THE CODE

OF

MURRAY COUNTY, GEORGIA

Republished in 2019 by Order of the County Commissioner

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municode

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CURRENT OFFICIALS

of

MURRAY COUNTY, GEORGIA

Jim Welsh
County Commissioner

Gregory H. Kinnamon PC
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Deputy County Clerk

PREFACE

This Code constitutes a complete republication of the general and permanent ordinances of Murray County, Georgia.

Source materials used in the preparation of the Code were the 2007 Code and Ordinances adopted through November 6, 2018. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The numbers to the left of the colon represents a certain portion of the volume. The number to the right of the colon represents the number of the page in

that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this republication is the looseleaf system of binding and supplemental servicing of the republication. With this system, the republication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this republication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This republication was under the direct supervision of Tassy Spinks, Vice President, and Dana Montenieri, Supplement Editor of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Dick Barnes, Land Use Administrator, for his cooperation and assistance during the progress of the work on this republication. It is hoped that his efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and Murray County, Georgia. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and Murray County, Georgia.

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ORDINANCE NO. 58

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR MURRAY COUNTY, GEORGIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE COUNTY COMMISSIONER:

Section 1. The Code entitled "The Code of Murray County, Georgia," published by Municipal Code Corporation, consisting of chapters 1 through 70, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before May 17, 2002, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding $1,000.00, or imprisonment not exceeding 60 days, or both such fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the county commissioners to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after May 17, 2002 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective on adoption.

Passed and adopted by the Sole Commissioner this 19th day of January, 2006.

/s/ By: Jim Welch

Sole Commissioner

Attest:

/s/ Stacie Moss

Clerk

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***Editor's note—**This Part I is a compilation of local legislation enacted by the Georgia General Assembly which was deemed advisable to print. Enacting language has been deleted from each act printed herein. Obvious misspellings have been corrected without notation. For ease of reference and indexing, section numbers have been arbitrarily assigned to the provisions of this part, and history notes have been provided indicating the source of each section. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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ARTICLE I. COMMISSIONER*

Sec. I-I-1. Sole commissioner as governing authority.

(a) On and after January 1, 2001, the governing authority of Murray County shall be a sole commissioner to be elected as provided in this Act.

(b) The commissioner shall be a qualified elector of Murray County and shall have been a resident of Murray County for at least 12 months prior to taking office. The commissioner shall be elected by the qualified electors of the entire county and he or she shall be nominated and elected in accordance with chapter 2 of title 21 of the O.C.G.A., the Georgia Election Code.

(c) The sole commissioner created by subsection (a) of this section shall be the successor to the former board of commissioners. The commissioner shall have authority and control over the affairs of Murray County and shall generally exercise such authority and control of said county as is provided by law for a county board of commissioners.
(1999 Ga. Laws, p. 4345, Pt. 2, § 1)

Sec. I-I-2. Election of sole commissioner.

Candidates for commissioner shall be nominated in the general primary to be held in July, 2000, and elected at the following November general election and shall take office on January 1, 2001, at which time the terms of all commissioners formerly in office shall end. Such commissioner shall serve for a term of four years and until his or her successor is elected and qualified. All succeeding commissioners shall be nominated and elected for four-year terms in accordance with chapter 2 of title 21 of the O.C.G.A., the Georgia Election Code, at the November election immediately preceding the expiration of the prior term and shall take office on January 1 of the following year.
(1999 Ga. Laws, p. 4345, Pt. 2, § 2)

Sec. I-I-3. Oath of office, bond.

Before entering upon the duties of office, the commissioner shall take and subscribe to an oath for the faithful performance of his or her duties and shall give bond to and approved by the judge of the Probate Court of Murray County in the amount of $10,000.00, with good and sufficient security conditioned upon the faithful performance of his or her duties and the faithful accounting for all property and funds coming into his or her hands by virtue of his or her office.
(1999 Ga. Laws, p. 4345, Pt. 2, § 3)

Sec. I-I-4. Filling vacancy in office.

In the event of a vacancy occurring in the office of commissioner for any reason other than expiration of term, that vacancy shall be filled for the remaining unexpired term by a person

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***Editor's note—**This Act was submitted to referendum and approved by the county citizens on March 7, 2000.

who shall be elected at a special election. The election superintendent of Murray County shall conduct that special election as soon as practicable and shall issue the call therefor not less than 30 days nor more than 45 days prior to that date. The person elected at such special election to fill that vacancy shall take office within ten days after the results of that election are certified and shall serve out the remaining unexpired term and until a successor is elected and qualified. The provisions of chapter 2 of title 21 of the O.C.G.A., the Georgia Election Code, shall apply to special elections to fill vacancies provided for in this section.
(1999 Ga. Laws, p. 4345, Pt. 2, § 4)

Sec. I-I-5. Head of county; transaction of public business.

The commissioner shall be recognized as the official head of Murray County by state, federal, and other authorities for all purposes, including military and ceremonial functions. The commissioner shall specify one regular day of each week, and the first Tuesday of each month, in which he or she shall remain in his or her office at the courthouse of Murray County for the transaction of public business in connection with his or her office. The commissioner shall devote his or her entire time to the discharge of his or her duties and during his or her incumbency in office shall not engage in any business enterprise or accept any other responsibility which would interfere with the discharge of such duties.
(1999 Ga. Laws, p. 4345, Pt. 2, § 5)

Sec. I-I-6. Compensation.

(a) The commissioner shall receive an annual salary of $60,000.00 to be paid in equal monthly installments from the funds of Murray County.

(b) In addition to the salary provided for in subsection (a) of this section, the commissioner shall be reimbursed for actual expenses incurred in the discharge of his or her official duties.
(1999 Ga. Laws, p. 4345, Pt. 2, § 6)

Sec. I-I-7. [Reserved.]

ARTICLE II. OFFICERS

DIVISION 1. GENERALLY*

Sec. I-II-1. Compensation authorized.

The clerk of the superior court, the sheriff, the probate judge, and the tax commissioner of Murray County shall be compensated by annual salaries, and the former mode of compensating such officers, known as the fee system shall have no application to such officers.
(1996 Ga. Laws, p. 4438, § 1)

Sec. I-II-2. Clerk of superior court.

(a) The clerk of the superior court shall receive an annual salary of $44,100.00 pursuant to this Act. Such annual salary shall be paid in equal monthly installments from funds of Murray County. The cost-of-living increases as provided for in Code Section 15-6-88 of the O.C.G.A. and the longevity increases as provided for in Code Section 15-6-90 of the O.C.G.A. shall be applied to the annual salary of the clerk of the superior court.

(b) Such annual salary shall be the total compensation of the clerk of the superior court from public funds, except that the clerk may receive in addition to such annual salary: (1) an allowance for his or her service in juvenile court as provided in Code Section 15-6-89; and (2) retirement, insurance, social security, and other similar employment benefits to the extent otherwise authorized by law.
(1996 Ga. Laws, p. 4438, § 2; 1999 Ga. Laws, p. 3974, § 1)

Sec. I-II-3. Sheriff.

(a) The sheriff shall receive an annual salary in the amount provided by the general laws of this state relating to minimum salaries for sheriffs. Such salary shall be paid in equal monthly installments from funds of Murray County.

(b) Such annual salary shall be the total compensation of the sheriff from public funds, except that the sheriff may receive, in addition to such annual salary, retirement, insurance, social security, and other similar employment benefits to the extent otherwise authorized by law.
(1996 Ga. Laws, p. 4438, § 3)

***Editor's note—**This division is a compilation of various special acts of the Georgia General Assembly which do not justify treatment as an article of this Part I. Section numbers have been arbitrarily assigned to the provisions of this article, and history notes have been provided indicating the source of each section.

Sec. I-II-4. Probate court judge.

(a) The judge of the probate court shall receive an annual salary in the amount provided by the general laws of this state relating to minimum salaries for probate judges. Such salary shall be paid in equal monthly installments from funds of Murray County.

(b) Such annual salary shall be the total compensation of the probate judge from public funds, except that the probate judge may receive, in addition to such annual salary, retirement, insurance, social security, and other similar employment benefits to the extent otherwise authorized by law.
(1996 Ga. Laws, p. 4438, § 4)

Sec. I-II-5. Tax commissioner.

(a) The tax commissioner shall receive an annual salary of $35,100.00 pursuant to this Act. Such annual salary shall be paid in equal monthly installments from funds of Murray County. The cost-of-living and longevity increases as provided for in Code Section 48-5-183 of the O.C.G.A. shall be applied to the annual salary of the tax commissioner.

(b) Such annual salary shall be the total compensation of the tax commissioner from public funds, except that the tax commissioner may receive in addition to such annual salary: (1) an allowance for his or her service as ex officio sheriff as provided in Code Section 48-5-137 of the O.C.G.A.; and (2) retirement, insurance, social security, and other similar employment benefits to the extent otherwise authorized by law.
(1996 Ga. Laws, p. 4438, § 4; 1999 Ga. Laws, p. 3974, § 2)

Sec. I-II-6. Collection of fees, etc., due office.

The clerk of the superior court, sheriff, probate judge, and tax commissioner shall diligently and faithfully undertake to collect all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, moneys, and all other emoluments and perquisites formerly allowed as compensation for services in any capacity in their respective offices and shall receive and hold the same in trust for said county as public moneys and shall pay the same into the county treasury on or before the fifteenth day of each month next following the month in which they were collected or received or according to such other schedule as may be provided by general law. At the time of each such payment into the county treasury, each of said officers shall furnish the governing authority of the county a detailed, itemized statement, under oath, of all such funds received during the preceding month by such officer and paid into the county treasury. The statement shall show the respective amounts of money collected and the source thereof.
(1996 Ga. Laws, p. 4438, § 6)

Sec. I-II-7. Salaries in lieu of fees.

It is specifically provided that the salaries provided for in this Act shall be in lieu of all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, moneys, and other emoluments and perquisites of any kind, and on and after the effective date of this section in

1996 none of the officers for whom salaries are specified in this Act shall be entitled to retain any of such fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, moneys, or other emoluments or perquisites in addition to the salary specified in this Act. Nothing in this Act shall apply to or affect any fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, moneys, or other emoluments or perquisites retained by any of said officers prior to said effective date in 1996, and the retention of any such amounts prior to said effective date in 1996 is hereby ratified and confirmed as a part of the compensation lawfully received by such officer prior to said effective date in 1996.
(1996 Ga. Laws, p. 4438, § 7)

Sec. I-II-8. Probate court judge barred to serve as clerk of county.

The judge of the probate court shall not be eligible to serve as the clerk of the governing authority of Murray County.
(1996 Ga. Laws, p. 4438, § 8)

Sec. I-II-9. Staff.

The officers specified in this Act shall have the authority to appoint such deputies, clerks, assistants, and other personnel as they shall deem necessary to efficiently and effectively discharge the official duties of their respective offices. Each of said officers shall, from time to time, recommend to the governing authority of Murray County the number of such personnel needed by his or her office, together with the suggested compensation to be paid each employee. However, it shall be within the sole discretion of the governing authority of Murray County to fix the compensation to be received by each employee in said offices. It shall be within the sole power and authority of each of said officers, during his or her term of office, to designate and name the person or persons who shall be employed as such deputies, clerks, assistants, and other personnel, to prescribe their duties and assignments, and to remove or replace any of such employees at will and within such officer's sole discretion.
(1996 Ga. Laws, p. 4438, § 9)

Sec. I-II-10. Office expenses.

The necessary operating expenses of the offices of each of the officers provided for in this Act, expressly including the compensation of all personnel and employees, shall be paid from any funds of the county available for such purposes. All supplies, materials, furnishings, furniture, utilities, uniforms, vehicles, and equipment and the repair, replacement, and maintenance therefor, as may be reasonably required in discharging the official duties of each office, shall be furnished by the county and shall be paid from any funds of the county available for such purpose. The determination of such requirements shall be at the sole discretion of the governing authority of Murray County.
(1996 Ga. Laws, p. 4438, § 10)

Sec. I-II-11. Bonds.

The official bonds of the officers provided for in this Act and the official bonds of their respective deputies, clerks, assistants, and other personnel, as may be required by law, shall be procured by each elected officer, and the premiums and costs thereof shall be paid out of any county funds available for that purpose.
(1996 Ga. Laws, p. 4438, § 11)

Secs. I-II-12—I-II-20. Reserved.

DIVISION 2. CORONER*

Sec. I-II-21. Salary.

(a) The coroner of Murray County is placed on an annual salary payable in equal monthly installments from the general funds of Murray County. The coroner shall receive an annual salary of $5,000.00 payable in equal monthly installments from funds of Murray County.

(b) The salary provided in subsection (a) of this section, as increased by subsection (c) of this section, shall be increased by multiplying said amount by the percentage which equals five percent times the number of completed four-year terms of office completed by any coroner after July 1, 1996, effective the first day of January following the completion of each such four-year period of service. Any term of office completed prior to July 1, 1996, shall be ignored for purposes of such longevity increase.

(c) On and after July 1, 1996, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general-performance-based increase of a certain percentage or a certain amount, the amount fixed in subsection (a) of this section, or the amount derived by increasing said amount through the application of longevity increases pursuant to subsection (b) of this section where applicable, shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general-performance-based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amount fixed in subsection (a) of this section, or the amount derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. Where applicable, the average percentage increase or average amount increase shall be as calculated by the Office of Planning and Budget for purposes of computation of the minimum salaries prescribed in general law for county officers. The periodic changes authorized by this subsection shall become effective on January 1, following the date that the cost-of-living increases or general-performance-based increases received by state employees

*__Editor's note—__Printed in this division is 1980 Ga. Laws, page 3041, as adopted by the Georgia General Assembly. Amendments to this act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act.

become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes shall become effective on the same date that the cost-of-living increases or general-performance-based increases received by state employees become effective.
(1980 Ga. Laws, p. 3041, § 1; 1996 Ga. Laws, p. 3945, § 1)

Sec. I-II-22. Office expenses.

The necessary operating expenses of the office of the coroner shall be paid from any funds of the county available for such purpose. All supplies, materials, furnishings, furniture, utilities, uniforms, vehicles, and equipment and the repair, replacement, and maintenance thereof, as may be reasonably required in discharging the official duties of said office, shall be furnished by the county and shall be paid from any funds of the county available for such purpose. The determination of such requirements shall be at the sole discretion of the governing authority of Murray County.
(1980 Ga. Laws, p. 3041, § 2)

ARTICLE III. BOARDS AND AUTHORITIES

DIVISION 1. GENERALLY

Secs. I-III-1—I-III-20. Reserved.

DIVISION 2. BOARD OF ELECTIONS*

Sec. I-III-21. Creation.

There is created the board of elections of Murray County which shall have jurisdiction over the conduct of primaries and elections in Murray County.
(1984 Ga. Laws, p. 4009, § 1)

Sec. I-III-22. Number, qualification, appointment, terms of office, and election of chairman.

The board shall be composed of three members, each of whom shall be an elector and resident of the county, and who shall be appointed by the judge of the Superior Court of Murray County. The county governing authority is authorized to reject any such appointments but if not rejected by the county governing authority within 15 days after such

*__Editor's note—__Printed in this division is 1984 Ga. Laws, page 4009, as adopted by the Georgia General Assembly. Amendments to this act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act.

appointment is made, the appointment shall be final. The members of the board shall serve for terms of office of four years and until their successors are duly appointed and qualified. The members of the board shall elect a chairman from the membership of the board.
(1984 Ga. Laws, p. 4009, § 2)

Sec. I-III-23. Holding of elective public offices by members prohibited.

No person who holds elective public office shall be eligible to serve as a member during the term of such elective office, and the position of any member shall be deemed vacant upon such member qualifying as a candidate for elective public office.
(1984 Ga. Laws, p. 4009, § 3)

Sec. I-III-24. Appointment by superior court judge; recordation by clerk of superior court; certification to Secretary of State; issuance of commissions.

The appointment of each member shall be made by the judge of the superior court filing an affidavit with the clerk of the superior court no later than 30 days preceding the date at which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the court and shall certify the name of each such appointed member to the county governing authority of such county. If such appointment is not rejected, the clerk shall certify the name of such appointed members to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.
(1984 Ga. Laws, p. 4009, § 4)

Sec. I-III-25. Succession in office; resignation and removal.

Each member of the board shall be eligible to succeed himself and shall have the right to resign at any time by giving written notice of his resignation to the judge of the superior court, the county governing authority, and the clerk of the superior court and shall be subject to removal from the board at any time for cause after notice and hearing in the same manner and by the same authority as provided for removal of registrars.
(1984 Ga. Laws, p. 4009, § 5)

Sec. I-III-26. Filling of vacancies.

In the event a vacancy occurs in the office of any appointed member before the expiration of his term by removal, death, resignation, or otherwise, the judge of the superior court shall appoint a successor to serve the remainder of the unexpired term subject to rejection by the county governing authority as provided for regular appointments. the clerk of superior court shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.
(1984 Ga. Laws, p. 4009, § 6)

Sec. I-III-27. When first member takes office; oath; privileges.

The first members of the board under this Act shall take office on July 1, 1984. Before entering upon his duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.
(1984 Ga. Laws, p. 4009, § 7)

Sec. I-III-28. Succession and exercise of powers.

The board shall, with regard to the preparation for conduct and administration of primaries and election, succeed to and exercise all duties and powers granted to and incumbent upon the election superintendent pursuant to O.C.G.A. tit. 21, ch. 2.
(1984 Ga. Laws, p. 4009, § 8)

Sec. I-III-29. Responsibility for poll workers.

The board or chairman shall be responsible for the selection, appointment, and training of poll workers in elections.
(1984 Ga. Laws, p. 4009, § 9)

Sec. I-III-30. Delivery from powers and duties; custody of equipment, supplies, facilities, etc., to board of elections.

Upon the effective date of this Act, the election superintendent shall be delivered from all powers and duties to which the board of elections succeeds by the provisions of this Act and shall deliver thereafter to the chairman of the board, upon his written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.
(1984 Ga. Laws, p. 4009, § 10)

Sec. I-III-31. Chairman designated chief executive officer; directives of board.

The chairman of the board of elections shall be the chief executive officer of the board and shall generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The board shall fix and establish directives governing the execution of matters within its jurisdiction by appropriate resolutions entered on its minutes.
(1984 Ga. Laws, p. 4009, § 11)

Sec. I-III-32. Compensation.

Compensation for the members of the board, clerical assistants, and other employees shall be such as may be fixed by the county governing authority. Said compensation shall be paid wholly from county funds.
(1984 Ga. Laws, p. 4009, § 12)

Sec. I-III-33. Offices and clerical assistants.

The governing authority shall provide the board with such proper and suitable offices and with such clerical assistants and other employees as the governing authority shall deem appropriate.
(1984 Ga. Laws, p. 4009, § 13)

Sec. I-III-34. Definition of terms.

The words "election," "elector," "political party," "primary," "public office," "special election," and "special primary" shall have the same meaning as provided in O.C.G.A. § 21-2-2, unless otherwise clearly apparent from the text of this Act.
(1984 Ga. Laws, p. 4009, § 14)

Sec. I-III-35. When Act effective.

This Act shall become effective upon its approval by the Governor or upon its becoming law without his approval.
(1984 Ga. Laws, p. 4009, § 15)

Sec. I-III-36. Repeal of conflicting laws.

All laws and parts of laws in conflict with this Act are repealed.
(1984 Ga. Laws, p. 4009, § 16)

Secs. I-III-37—I-III-56. Reserved.

DIVISION 3. HOSPITAL AUTHORITY*

Sec. I-III-57. Appointment of successors and filling of vacancies to board.

(a) *Appointment of successors.* Successors to members of the board of the Hospital Authority of Murray County whose terms of office are to expire shall be appointed by the governing authority of Murray County by December 15 immediately preceding the expiration of such terms and shall take office the first day of January immediately following the expiration of such terms. Appointments made pursuant to this subsection or subsection (b) of this section shall be submitted in writing to the chairperson of such hospital authority. Members of the board of such authority may succeed themselves in office.

(b) *Filling of vacancies.* When a member of the board of the Hospital Authority of Murray County dies, resigns, is unable to fulfill the duties of his or her office due to incapacity, or the office otherwise becomes vacant for any reason other than expiration of term, that hospital authority shall notify the chairperson of the governing authority of Murray County

*__Editor's note—__Printed in this division is 1994 Ga. Laws, page 3863, as adopted by the Georgia General Assembly. Amendments to this act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act.

immediately of such vacancy. Said governing authority shall appoint a person to fill said vacancy within 60 days of its receipt of written notice thereof. The new appointee shall serve out the remainder of the unexpired term of the member who he or she is replacing and until a successor is appointed and qualified.
(1994 Ga. Laws, p. 3863, § 1)

Secs. I-III-58—I-III-77. Reserved.

DIVISION 4. COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY*

Sec. I-III-78. Creation, powers, authority, etc.

(a) *Creation.* There is hereby created a body corporate and politic in Murray County to be known as the "Murray County Industrial Development Authority," hereinafter referred to as the "authority," which shall be an instrumentality of Murray County and a public corporation.

(b) *Membership.* The authority shall consist of seven members who shall serve for a term of four years each and who shall be eligible for reappointment. The members shall be appointed by the governing authority of Murray County, and the members may be residents of any area of Murray County. The first members of the authority shall be appointed for terms of two for one year, two for two years, two for three years, and one for four years and until their successors are elected and qualified. The governing authority of Murray County shall designate the terms of office of the first members when making the appointment. Thereafter, the terms of office of all members shall be for four years and until their successors are elected and qualified. Vacancies shall be filled for the unexpired term by the governing authority of Murray County. A majority of the members shall constitute a quorum and a majority may act for the authority in any matter. No vacancy shall impair the power of the authority to act. No member of the authority may be a member of the governing authority of Murray County, but there shall be no other disqualification to hold public office by reason of membership on the authority.

(c) *Taxes exemptions.* The property, obligations and the interest on the obligations of the authority shall have the same immunity from taxation as the property, obligations and interest on the obligations of Murray County. The exemptions from taxation herein provided shall not include exemptions from sale and use taxes on property purchased by the authority or for use by the authority.

***Editor's note—**Printed in this division is 1966 Ga. Laws, page 963, a constitutional amendment, as adopted by the Georgia General Assembly. This amendment was continued in force and effect by 1985 Ga. Laws, page 3792. Amendments to this act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act.

(d) *Tax exemptions.* The exemption from taxation herein provided shall not extend to tenants nor lessees of the authority. The right of any private person to use or occupy any real estate of the authority for a period of one year or longer under any lease or other agreement for the purpose of taxation shall be classed as an interest in the real estate and as real property and shall be taxed as real property as now provided by law or may be taxed as the General Assembly may hereafter provide by general or local law. The tax exemption herein provided also shall not include exemption from sale and use taxes on property purchased by the authority or for use of the authority.

(e) *Powers of the authority.* The powers of the authority shall include, but not be limited to, the power:

(1) To buy, acquire, develop, improve, own operate, maintain, sell, lease as a lessor and lessee, and mortgage land, buildings and property of all kinds within the limits of Murray County;

(2) To receive and administer gifts, grants and donations and to administer trusts;

(3) To grant, loan and lease without adequate consideration or without any consideration and with and without security, any of its funds and property to private persons and corporations operating or promising to operate any industrial plant or establishment within Murray County which in the judgment of the authority will be a benefit to the people of said county. The provisions of this clause shall not be construed to limit any other power of the authority;

(4) To borrow money, to issue notes, bonds, and revenue certificates therefor, to execute trust agreements or indentures, and to sell, convey, mortgage, pledge and assign any and all of its funds, property and income as security therefor;

(5) To contract with Murray County and other political subdivisions of the State of Georgia and with private persons and corporations and to sue and be sued in its corporate name;

(6) To have and exercise usual powers of private corporation, except such as are inconsistent with this amendment, including the power to appoint and hire officers, agents, and employees and to provide their compensation and duties, which officers and agents may or may not be members of the authority, and the power to adopt and amend a corporate seal and bylaws and regulations for the conduct and management of the authority;

(7) To encourage and promote the expansion and development of industry, agriculture, trade, and commerce and the facilities therefor in Murray County, and to make long-range plans therefor, to relieve insofar as possible unemployment within its boundaries, and to that end to acquire by purchase or gift any building or structure within the limits of Murray County suitable for and intended for use as a factory, mill, shop, processing plant, assembly plant, or fabricating plant, including all necessary and appurtenant lands and appurtenances thereto, and all necessary or useful furnishings, machinery and equipment. Such acquisition may be through the

acquisition of land and the construction thereon of a building, including the demolition of existing structures, or through the acquisition of an existing building and the remodeling, renovating, reconstructing, furnishing and equipping of such building. No building acquired hereunder shall be operated by the authority but shall be leased or sold to one or more persons, firms or corporations. If sold, the purchase price may be paid at one time or in installments falling due in not more than 30 years from the date of transfer of possession. The lessee or purchaser shall be required to pay all costs of operating and maintaining the building or buildings and to pay rentals or installments sufficient, together with other revenues which may be pledged for the purpose, to retire all bonds, both principal and interest, and to pay all other expenses which the authority may have incurred in connection with the undertaking;

(8) To accumulate its funds from year to year and to invest accumulated funds in any manner that public funds of the State of Georgia or any of its political subdivisions may be invested;

(9) To designate officers to sign and act for the authority generally or in any specific matter; [and]

(10) To do any and all acts and things necessary or convenient to accomplish the purpose and powers of the authority as herein stated.

(f) *Debt.* The authority shall not be authorized to create in any manner any debt, liability or obligation against the State of Georgia or Murray County.

(g) *Tort liability, etc.* The authority shall have the same immunity and exemption from liability for torts and negligence as the State of Georgia, and the officers, agents and employees of the authority when in performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents and employees of the State of Georgia when in performance of their public duties or work of the State. The authority may be sued the same as private corporations on any contractual obligation of the authority.

(h) *Compensation.* The members of the authority shall receive no compensation for their services of the authority.

(i) *Bonds.* The authority, with the consent of the governing authority of Murray County and to carry out the purpose of this amendment, is hereby authorized to issue revenue bonds bearing rate or rates of interest and maturity at the years and amounts determined by the authority and the procedure of validation, issuance and delivery shall be in all respects in accordance with the Revenue Bond Law (1937 Ga. Laws, p. 761), as amended, Ga. Code Ann. Supp. chapter 87-8, as if said obligations had been originally authorized to be issued thereunder; provided, however, that any property, real or personal, of the authority may be pledged, mortgaged, conveyed, assigned, hypothecated or otherwise encumbered as security for any lawful debt of the authority. The authority may execute any trust agreement or indenture not in conflict with the provisions of this amendment to provide security for any

bonds issued as provided herein, and such trust agreement or indenture may provide for foreclosure or forced sale of any property of the authority upon default on such bonds either in payment of principal or interest or under any term or condition under which such bonds are issued. Bonds thus issued shall be paid first from the income of the authority. In the event such income is not sufficient to pay the principal and interest of such revenue bonds as they mature, then the governing authority of Murray County is authorized and required to provide the additional funds necessary to make such payment, and for this purpose the said governing authority is authorized to levy an annual tax on all taxable property within the county, provided such tax shall not exceed two mills.

(j) *Funds.* The governing authority of Murray County is also authorized, in addition to the tax provided in paragraph (i), to appropriate to the authority such amount from its funds each year as it shall see fit, and any funds so appropriated when paid to the authority shall become a part of the funds of the authority and may be used for the purposes as herein stated or as may hereafter be defined by law.

(k) *Property.* The property of the authority shall not be subject to levy and sale under legal process except such property, income or funds as may be pledged, assigned, mortgaged or conveyed to secure an obligation of the authority, and any such property, funds or income may be sold under legal process or under any power granted by the authority to enforce payment of the obligation.

(l) *Intent.* This amendment is adopted for the purpose of promoting and expanding for the public good and welfare of Murray County and its citizens, industry, agriculture and trade within the County of Murray and making long-range plans for such development and expansion and to authorize the use of public funds of Murray County for such purpose, and this amendment and any law enacted with reference to the authority shall be liberally construed for the accomplishment of this purpose.

(m) *Effective date.* This amendment shall be effective immediately upon proclamation of its ratification by the governor, and the first members of the authority shall be appointed within 30 days after such proclamation.

(n) *[Actions by the] General Assembly.* The General Assembly may by law further define and prescribe the powers and duties of the authority and the exercise thereon and may enlarge and restrict the same and may likewise further regulate the management and conduct of the authority. The authority shall be an instrumentality of Murray County, and the scope of its operations shall be limited to the territory embraced within Murray County. The General Assembly shall not extend the jurisdiction of the authority nor the scope of its operations beyond the limits of Murray County.

(o) *Debt.* There shall be no limitations upon the amount of debt which the authority may incur, but no debt created by the authority shall be a debt of Murray County or the state. (1966 Ga. Laws, p. 963, § 1)

Secs. I-III-79—I-III-98. Reserved.

DIVISION 5. COUNTY WATER AND SEWER AUTHORITY*

Sec. I-III-99. Short title.

This Act shall be known and may be cited as the "Murray County Water and Sewer Authority Act."
(1980 Ga. Laws, p. 3447, § 1)

Sec. I-III-100. General provisions.

(a) *Creation.* There is hereby created a body corporate and politic to be known as the Murray County Water and Sewer Authority, which shall be deemed to be a political subdivision of the State of Georgia and a public corporation, and by that name, style and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity. The authority shall have perpetual existence.

(b) *Membership.* The authority shall consist of five members. The following persons are hereby initially designated and appointed as members of the Murray County Water and Sewer Authority:

(1) Mr. C.W. Holcomb, who shall hold an initial term of office expiring on March 31, 1981;

(2) Mrs. Bob Hill, who shall hold an initial term of office expiring on March 31, 1982;

(3) Mr. Carlton Petty, who shall hold an initial term of office expiring on March 31, 1983;

(4) Mr. Roy Southerland, who shall hold an initial term of office expiring on March 31, 1984; and

(5) Mrs. Jaroyd Smith, who shall hold an initial term of office expiring on March 31, 1985.

The initial members of the authority shall enter upon the duties of their office on the effective date of this Act and shall serve until the expiration of their respective terms of office or until their successors are duly elected and qualified. During the month of March 1981, and in the month of March of each year thereafter, a meeting of those persons, firms, corporations, companies, and organizations who use the facilities of the authority shall be called by the authority for the purpose of electing successors to those members whose terms expire in such year. Said meeting shall be called and conducted as hereinafter prescribed. Except as otherwise provided herein, each member elected by the users of the system shall enter upon the duties of his office on March 31 immediately following his election and shall serve for a term of office of five years and until his successor is duly elected and qualified. Members of the authority may serve with or without compensation and shall be reimbursed

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for their actual expenses necessarily incurred in the performance of their duties. The authority shall have the power to establish bylaws and to promulgate and adopt rules and regulations necessary or convenient for the government of the authority.

(c) *[Eligibility for election.]* To be eligible for election as a member of the authority, a person shall be at least 18 years of age and a resident of Murray County for at least two years prior to the date of his election, shall not have been convicted of a felony, and at the time of election shall be a user of the facilities of the authority. The provisions of this subsection shall not apply to the initial members of the authority appointed under the provisions of this section.

(d) *[Officers, term of office, and voting provisions.]* The members of the authority shall elect one of their number as chairman and another as vice-chairman and they may also elect a secretary and treasurer or a secretary or treasurer, who need not be a member of the authority. Such officers shall serve for a period of one year and until their successors are duly elected and qualified. The chairman of the authority shall not be entitled to vote upon any issue, motion, or resolution, except in the case of a tie vote of the other members voting on said motion, resolution, or question.

(e) *[Quorum.]* Three members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise the rights and perform all the duties of the authority.

(f) *[Filling of vacancies.]* In the event of a vacancy by reason of death, disqualification, resignation, or other reason, the remaining members of the authority, provided at least three members remain on the authority, shall elect by majority vote a qualified person to fill the vacancy until the next annual election by the users of the system, at which time the users of the system shall elect a qualified person to fill the remaining unexpired term of the member whose position has been vacated. A vacancy shall exist in the office of any member of the authority who is convicted of a felony, who moves his residence from Murray County, or who is indicted or charged with any act of misfeasance, malfeasance, or nonfeasance by the Murray County grand jury acting in its sole discretion. If, for any reason whatsoever, the users of the system shall fail to elect a member at any annual meeting to replace a member whose term expires, the remaining members of the authority, provided at least three members remain on the authority, shall elect by majority vote a duly qualified person as a member of the authority to serve until the next annual meeting of the users.

(g) *[Filling of vacancies by commissioner.]* In the event that there are three or more vacancies on the authority at any one time, the commissioner of Murray County or any other officer who or commission which might succeed to his duties in the future shall appoint the number of qualified persons needed to bring the total number of persons on the authority up to three. The authority shall then elect qualified persons in the manner described above to fill the remaining vacancies. All persons so appointed by the commissioner of Murray County shall serve until the next annual election by the users of the system, at which time the users of the system shall elect qualified persons to fill the remaining terms of the members whose vacated positions had been filled by appointment by said commissioner of Murray County.

(h) *[Annual meetings.]* Annual meetings of the users of the facilities of the authority shall be held in March of each year. Such annual meeting shall be called by the authority, after notice thereof has been published in the newspaper in Murray County in which the sheriff's advertisements are published at least ten days prior to the date of such meeting. The authority is hereby authorized to promulgate and adopt rules and regulations providing for the method and procedures for holding such annual meetings and elections.

(i) *[Audit required.]* The authority shall have a complete audit of its financial condition made at least once in each calendar year by a certified public accountant. Such audit shall remain on file at the office of the authority for public inspection.
(1980 Ga. Laws, p. 3447, § 2)

Sec. I-III-101. Definitions.

As used in this Act, the following words and terms shall have the following meanings:

(1) The word "authority" shall mean the Murray County Water and Sewer Authority.

(2) The word "project" shall mean and include the acquisition and construction of all necessary and usual water facilities useful and necessary for the obtaining of one or more sources of water supply within or without the territorial boundaries of Murray County; the treatment of water; and the distribution and sale of water to users and consumers, including counties and municipalities, for the purpose of resale, within and without the territorial boundaries of Murray County; and the operation, maintenance, additions, improvements, and extensions of such facilities so as to assure an adequate water utility system deemed by the authority necessary or convenient for the efficient operation of such type of undertaking. The word "project" shall also mean and include the acquisition and construction of all necessary and usual facilities useful and necessary for the gathering of waste matter, individual and industrial; for treatment of such waste, including the acquisition and construction of treatment plants and lagoons, without and within the territorial boundaries of Murray County; and the operation, maintenance, additions, improvements, and extensions of such facilities deemed by the authority to be necessary or convenient for the efficient operation of a sanitary and storm sewer system.

(3) The term "cost of the project" shall mean and embrace the cost of construction; the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all machinery and equipment, financing charges, interest prior to and during the construction and for one year after completion of construction; cost of engineering, architectural, and legal expenses and of plans and specifications and other expenses necessary or incident to the financing herein authorized; the construction of any project; the placing of the same in operation; and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this Act for such project.

(4) The terms "revenue bonds" and "bonds" as used in this Act shall mean revenue certificates as defined and provided for in the Revenue Bond Law (Ga. Laws 1957, p. 36), as amended; and such type of obligations may be issued by the authority as authorized under said Revenue Bond Law and, in addition, shall also mean obligations of the authority, the issuance of which are hereinafter specifically provided for in this Act.

(5) Any project shall be deemed "self-liquidating" if, in the judgment of the authority, the revenues and earnings to be derived by the authority therefrom and all facilities used in connection therewith will be sufficient to pay the cost of operating, maintaining, and repairing, improving, or extending the project and to pay the principal and interest of the revenue bonds which may be issued for the cost of such project or projects.

(1980 Ga. Laws, p. 3447, § 3)

Sec. I-III-102. Powers.

The authority shall have the power:

(1) To have a seal and alter the same at its pleasure;

(2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property, or rights of easements therein, or franchises necessary or convenient for its corporate purposes; and to use the same so long as its corporate existence shall continue; and to lease or make contracts with respect to the use of, or dispose of the same in any manner it deems to [the] best advantage of the authority. In any condemnation proceedings such orders may be made by the court having jurisdiction of suit, action, or proceedings as may be just to the authority and to the owners of the property to be condemned. No property shall be acquired under the provisions of this Act upon which any lien or encumbrance exists unless, at the time such property is so acquired, a sufficient sum of money is deposited in trust to pay and redeem the fair value of such lien or encumbrance. If the authority shall deem it expedient to construct any project on any other lands the title to which shall then be in the State of Georgia, the governor is hereby authorized to convey, for and in behalf of the state, title to such lands to the authority upon payment of the reasonable value of such lands to the director, Fiscal Division, Department of Administrative Services, for the credit of the general fund of the state. Such value shall be determined by three appraisers to be agreed upon by the governor and the chairman of the authority;

(4) To appoint, select, and employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents and attorneys and fix their respective compensations;

(5) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired. Any and all persons, firms, and corporations and any and all political subdivisions, departments, institutions, or agencies of the state are hereby authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable. Without limiting the generality of the above, authority is specifically granted to municipal corporations, counties, other political subdivisions, and to the authority to enter into contracts, lease agreements, or other undertakings relative to the furnishing of water and related services and facilities by the authority to such municipal corporations, counties, or political subdivisions or for the purchase of water by the authority therefrom for a term not exceeding 50 years;

(6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects, as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds of the authority or from such proceeds and any grant or grants from the United States of America or any agency or instrumentality thereof, or from the State of Georgia or any agency or instrumentality thereof;

(7) To accept loans or grants of money, materials, or property of any kind from the United States of America or any agency or instrumentality thereof upon such terms and conditions as the United States of America or such agency or instrumentality may require;

(8) To accept loans or grants of money, materials, or property of any kind from the State of Georgia or any agency or instrumentality thereof upon such terms and conditions as the State of Georgia or such agency or instrumentality may required;

(9) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof;

(10) To exercise any power usually possessed by private corporations performing similar functions, provided the same is not in conflict with the Constitution and laws of this state; and

(11) To do all things necessary or convenient to carry out the powers expressly given in this Act.

(1980 Ga. Laws, p. 3447, § 4)

Sec. I-III-103. Revenue bonds—[Generally].

The authority, or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created hereby, shall have the power and is hereby authorized to provide by resolution for the issuance of negotiable revenue bonds of the authority in a sum not to exceed $5,000,000.00 outstanding at any one

time for the purpose of paying all or any part of the cost as herein defined of any one or more projects. The principal and interest of such revenue bonds shall be payable solely from the special fund hereby provided for such payment. The bonds of each issue shall be dated; shall bear interest at such rate or rates not exceeding nine percent per annum, payable at such time or times; shall mature at such time or times not exceeding 40 years from their date or dates, or at such times exceeding 40 years as may hereafter be authorized by the bonding laws of the State of Georgia; shall be payable in such medium of payment as to both principal and interest as may be determined by the authority and may be redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution for the issuance of bonds.
(1980 Ga. Laws, p. 3447, § 5)

Sec. I-III-104. Same—Form; denominations; registration; place of payment.

The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the state. The bonds may be issued in coupon or registered form, or both, as the authority may determine. Provisions may be made for the registration of any coupon bond as a principal alone and also as to both the principal and interest.
(1980 Ga. Laws, p. 3447, § 6)

Sec. I-III-105. Same—Signatures, seal.

In case any officer whose signature shall appear on any bonds, or whose facsimile signature shall appear on any coupon, shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All such bonds shall be signed by the chairman of the authority and the official seal of the authority shall be affixed thereto and attached by the secretary of the authority and any coupons attached thereto shall bear the signature or facsimile signature of the chairman of the authority. Any coupon may bear the facsimile signature of such persons and any bond may be signed, sealed, and attested on behalf of the authority by such persons as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such person may not have been so authorized or shall not have held such office.
(1980 Ga. Laws, p. 3447, § 7)

Sec. I-III-106. Same—Negotiability; exemption from taxation.

All revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instrument laws of this state. Such bonds and the income thereof shall be exempt from all taxation within the state.
(1980 Ga. Laws, p. 3447, § 8)

Sec. I-III-107. Same—Sale, price.

The authority may sell such bonds in such manner and for such price as it may determine to be for the best interests of the authority but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than nine percent per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bond prior to maturity.
(1980 Ga. Laws, p. 3447, § 9)

Sec. I-III-108. Same—Proceeds of bonds.

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, additional bonds may in like manner be issued to provide the amount of any deficit which, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be for the same purpose and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds.
(1980 Ga. Laws, p. 3447, § 10)

Sec. I-III-109. Same—Interim receipts and certificates or temporary bonds.

Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts, interim certificates, or temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter.
(1980 Ga. Laws, p. 3447, § 11)

Sec. I-III-110. Same—Replacement of lost or mutilated bonds.

The authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.
(1980 Ga. Laws, p. 3447, § 12)

Sec. I-III-111. Conditions precedent to issuance; object of issuance.

Such revenue bonds may be issued without any other proceedings or the happening of any conditions or things other than those proceedings, conditions, and things which are specified or required by this Act. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of any particular project. Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon its

passage and shall be published in the official newspaper for Murray County one time within a week of its being adopted, and any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its members.
(1980 Ga. Laws, p. 3447, § 13)

Sec. I-III-112. Credit not pledged—[Generally].

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of Murray County or a pledge of the faith and credit of said county but such bonds shall be payable solely from the fund hereinafter provided for; and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the said county to levy or to pledge any form of taxation whatever therefor or to make any appropriation for the payment; and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section.
(1980 Ga. Laws, p. 3447, § 14)

Sec. I-III-113. Same—Trust indenture as security.

In the discretion of the authority, any issuance of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust indenture may pledge or assign fees, tolls, revenues, and earnings to be received by the authority. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair, and insurance of the project, and the custody, safeguarding, and application of all moneys; and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority, and satisfactory to the original purchasers of the bonds issued therefor; any may also require that the security given by contractors and by any depositary of the proceeds of the bonds or revenues or other moneys be satisfactory to such purchasers; and may also contain provisions concerning the conditions, if any upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depositary and to furnish such indemnifying bonds or pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repair of the project affected by such indenture.
(1980 Ga. Laws, p. 3447, § 15)

Sec. I-III-114. Same—To whom proceeds of bonds shall be paid.

The authority shall, in the resolution providing for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person who, or any agency, bank, or trust company which, shall act as trustee of such funds and shall hold and apply the same to the purposes hereof, subject to such regulations as this Act and such resolution or trust indenture may provide.
(1980 Ga. Laws, p. 3447, § 16)

Sec. I-III-115. Same—Sinking funds.

The revenues, fees, tolls, and earnings derived from any particular project or projects, regardless of whether or not such have been issued, unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide. Such funds so pledged, from whatever source received, including funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture into a sinking fund, which said sinking fund shall be pledged to and charged with the payments of (1) the interest upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) any premium upon bonds retired by call or purchase as hereinabove provided. The use and disposition of such sinking funds shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture; but, except as may otherwise be provided in such resolution or trust indenture, such sinking fun shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in the trust indenture, surplus moneys in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be canceled and shall not again be issued.
(1980 Ga. Laws, p. 3447, § 17)

Sec. I-III-116. Same—Remedies of bondholders.

Any holder of revenue bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia, or granted hereunder, or under such resolution or trust indenture and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture to be performed by the authority, or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished.
(1980 Ga. Laws, p. 3447, § 18)

Sec. I-III-117. Same—Refunding bonds.

The authority is hereby authorized to provide by resolution for the issue of revenue refunding bonds of the authority for the purpose of refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon. The issuance of such revenue refunding bonds, the maturities and all other details thereof, the rights of the holders thereof, and the duties of the authority in respect to the same shall be governed by the foregoing provisions of this Act insofar as the same may be applicable.
(1980 Ga. Laws, p. 3447, § 19)

Sec. I-III-118. Same—Venue and jurisdiction.

Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such authority shall be brought in the Superior Court of Murray County and any action pertaining to validation of any bonds issued under the provisions of this Act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions.
(1980 Ga. Laws, p. 3447, § 20)

Sec. I-III-119. Same—Validation.

Bonds of the authority shall be confirmed and validated in accordance with the procedure of the Revenue Bond Law, as amended. The petition for validation shall also make party defendant to such action any municipality, county, authority, subdivision, or instrumentality of the State of Georgia which has contracted with the authority for services and facilities of the water system for which bonds are to be issued and sought to be validated; and such municipality, county, authority, subdivision, or instrumentality shall be required to show cause, if any, why such contract or contracts and the terms and conditions thereof should not be inquired into by the court and the validity of the terms thereof be determined and the contract or contracts adjudicated as security for the payment of any such bonds of the authority. The bonds when validated and the judgment of validation shall be final and conclusive with respect to such bonds against the authority issuing the same; and any municipality, county, authority, subdivision, or instrumentality contracting with the said Murray County Water and Sewer Authority.
(1980 Ga. Laws, p. 3447, § 21)

Sec. I-III-120. Same—Interest of bondholders protected.

While any of the bonds issued by the authority remain outstanding, the powers, duties, or existence of said authority or of its officers, employees, or agents shall not be diminished or impaired in any manner that will affect adversely the interest and rights of the holders of such bonds; and no other entity, department, agency, or authority will be created which will compete with the authority to such an extent as to affect adversely the rights and interests of the holders of such bonds; nor will the state itself so compete with the authority. The

provisions of this Act shall be for the benefit of the authority and the holders of any such bonds and, upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds.
(1980 Ga. Laws, p. 3447, § 22)

Sec. I-III-121. Moneys received considered trust funds.

All moneys received pursuant to the authority of this Act, whether all proceeds from the sale of revenue bonds as grants or other contributions or as revenues, fees, and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this Act.
(1980 Ga. Laws, p. 3447, § 23)

Sec. I-III-122. Purpose of the authority.

(a) Without limiting the generality of any provision of this Act, the general purpose of the authority is declared to be that of acquiring an adequate source or sources of water supply, treatment of such water, and thereafter the distribution of same to the various townships and citizens in Murray County and environs, including adjoining counties and municipalities located therein, and, further, for the general purpose of gathering and treatment of waste, both individual and industrial; but such general purpose shall not restrict the authority from selling and delivering water directly to consumers in those areas where there do not now exist water distribution systems or furnishing sewer facilities to such consumers and areas where neither any county nor municipality deems it desirable or feasible to furnish water in such locality.

(b) The authority shall also have the authority, where it deems it feasible, to sell its products and services to consumers, governmental agencies, or governmental instrumentalities of adjoining states, provided the laws of the adjoining states do not prohibit or tax said activity.

(c) The authority shall not have the authority to construct water lines for the distribution of water directly to consumers within any water district or municipality without first obtaining the express written consent of the appropriate governing bodies of the above referred to water districts or municipalities.
(1980 Ga. Laws, p. 3447, § 24)

Sec. I-III-123. Rates, charges, and revenues; use.

The authority is hereby authorized to prescribe, fix, and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished; and, in anticipation of the collection of the revenues of such undertaking or project, to issue revenue bonds as herein provided to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of the water and sewer utility system; and to pledge

to the punctual payment of said bonds and interest thereon all or any part of the revenues of such undertaking or project, including the revenues or improvements, betterments, or extensions thereto thereafter made.
(1980 Ga. Laws, p. 3447, § 25)

Sec. I-III-124. Rules and regulations for operation of project.

It shall be the duty of the authority to prescribe rules and regulations for the operation of the project or projects constructed under the provisions of this Act, including the basis on which water and sewer service and facilities shall be furnished.
(1980 Ga. Laws, p. 3447, § 26)

Sec. I-III-125. Powers declared supplemental and additional.

The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing.
(1980 Ga. Laws, p. 3447, § 27)

Sec. I-III-126. Liberal construction of Act.

This Act being for the welfare of various political subdivisions of the state and its inhabitants shall be liberally construed to effect the purposes thereof.
(1980 Ga. Laws, p. 3447, § 28)

Sec. I-III-127. Effect on other governments.

This Act does not in any way take from Murray County or any municipality located therein or any adjoining county the authority to own, operate, and maintain water or sewer systems or issue revenue certificates as is provided by the Revenue Bond Law of Georgia.
(1980 Ga. Laws, p. 3447, § 29)

ARTICLE IV. JUDICIAL

DIVISION 1. GENERALLY

Secs. I-IV-1—I-IV-20. Reserved.

DIVISION 2. MAGISTRATE COURT*

Sec. I-IV-21. Number of magistrates.

The number of magistrates authorized for Murray County shall be a chief magistrate and two additional magistrates.
(1983 Ga. Laws, p. 4061, § 1)

Sec. I-IV-22. Election.

(a) The chief magistrate may reside anywhere within Murray County and shall be elected at the 1984 general election and quadrennially thereafter in the same manner as county officers are elected. The other magistrates shall likewise be elected in the same manner as county officers at the 1984 general election and quadrennially thereafter but shall be required to meet the residency qualifications of this section. One magistrate shall be elected as the magistrate from Post No. 1 and the other shall be elected as the magistrate from Post No. 2. Each of such magistrates shall be elected at large by all the qualified voters of Murray County; but the magistrate from Post No. 1 must be a resident of District No. 1, described as follows, and the magistrate from Post No. 2 must be a resident of District No.2, described as follows:

District No. 1

Murray

Tract 9901

Tract 9902

Block 301

Tract 9903

Blocks 101 through 123, 136 through 141, 145, and 148 through 150

District No. 2

Murray

Tract 9902

Block Group 2

Blocks 302 through 316

Block Group 4

Track 9903

Blocks 124 through 128, 130 through 135, 151 through 179, and 183

Block Group 2

Blocks 301 through 309 and 311 through 323

***Editor's note—**Printed in this division is 1983 Ga. Laws, page 4061, as adopted by the Georgia General Assembly. Amendments to this act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act.

(b) For the purposes of this section:

(1) The terms "tract" or "census track," "block group," and "block" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1980 for the State of Georgia.

(2) Any part of Murray County which is not included in any district described in this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 1980 for the State of Georgia.

(1983 Ga. Laws, p. 4061, § 2)

Sec. I-IV-23. Compensation; staff.

(a) The chief magistrate shall receive an annual salary of $40,500.00. The cost-of-living and longevity increases as provided for in O.C.G.A. § 15-10-23 shall be applied to the annual salary of the chief magistrate. Each other magistrate shall receive for each day of service a salary equal to 1/365 of the salary of the chief magistrate, but the other magistrates shall not receive such compensation for more than 20 combined days of service for any month for both magistrates unless the chief magistrate is disabled, in which event the compensation of the other magistrates during that disability shall be the same as provided for in this subsection.

(b) The salaries provided for in subsection (a) of this section shall be the total compensation of the chief magistrate and other magistrates from public funds, except that they may in addition receive retirement, insurance, social security, and other similar employment benefits to the extent otherwise authorized by law.

(c) The chief magistrate shall have the authority to appoint such clerks, secretaries, assistants, and other personnel as he or she shall deem necessary to efficiently and effectively discharge the official duties of his or her office. The chief magistrate shall, from time to time, recommend to the governing authority of Murray County the number of such personnel needed by his or her office, together with the suggested compensation to be paid each employee. However, it shall be within the sole discretion of the governing authority of Murray County to fix the compensation to be received by each employee in said office. It shall be within the sole power and authority of the chief magistrate during his or her term of office to designate and name the person or persons who shall be employed as such clerks, assistants, and other personnel, to prescribe their duties and assignments, and to remove or replace any of such employees at will and within his or her sole discretion.

(1983 Ga. Laws, p. 4061, § 3; 1989 Ga. Laws, p. 3925, §1; 1996 Ga. Laws, p. 4098, § 1; 1999 Ga. Laws, p. 3972, § 1)

ARTICLE V. TAXATION

DIVISION 1. GENERALLY

Secs. I-V-1—I-V-20. Reserved.

DIVISION 2. TAX COMMISSIONER*

Sec. I-V-21. Consolidation of offices.

On and after January 1, 1937, the office of tax receiver and tax collector of Murray County, Georgia, are hereby abolished, and the duties of the two offices are hereby consolidated into one office.
(1933 Ga. Laws, p. 635, § 1)

Sec. I-V-22. Office created.

The office of tax commissioner of Murray County, Georgia, is hereby created in lieu of said abolished and consolidated offices, and the rights, duties, and liabilities of said office of tax commissioner of Murray County, Georgia, shall be the same as the rights, duties, and liabilities of the tax receiver and tax collector of said county so far as the same may be applicable.
(1933 Ga. Laws, p. 635, § 2)

Sec. I-V-23. Term of office.

Said tax-commissioner shall hold office for a term of four years, the first term beginning January 1, 1937, and ending December 31, 1940, or until his successor is elected and qualified.
(1933 Ga. Laws, p. 635, § 3)

Sec. I-V-24. Election.

Said tax commissioner shall be elected at the general election held in the State of Georgia in the year 1936 for state and county officers, and each four years thereafter, in the same manner, time, and place, as the clerks of the superior court are elected.
(1933 Ga. Laws, p. 635, § 4)

Sec. I-V-25. Commission.

Said tax commissioner shall be commissioned and qualified as the clerks of the superior courts are.
(1933 Ga. Laws, p. 635, § 6)

Sec. I-V-26. Vacancy.

If a vacancy, for any cause, occurs in the said office of tax commissioner, it shall be filled in the following manner:

(a) If such vacancy occurs within six months of the expiration of the existing term, the ordinary of Murray County shall appoint some qualified person to discharge the duties of said office for the remainder of the term, who shall be commissioned accordingly.

***Editor's note—**Printed in this division is 1933 Ga. Laws, page 635, as adopted by the Georgia General Assembly. Amendments to this act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act.

(b) If said vacancy should occur more than six months prior to the expiration of the existing term, the ordinary shall appoint some qualified person to discharge the duties of said office until an election can be held for such vacancy, and it shall be the duty of the ordinary of Murray County to call a special election for the election of such commissioner to serve the remainder of the term, which election shall be held not sooner than 30 days nor not later than 60 days after the vacancy occurs. Notice of such elections to be given by publication in at least two issues of the official gazette of Murray County, Georgia. The person receiving the highest number of votes shall be commissioned as such tax commissioner, and in event of a tie, the ordinary shall call another election as herein provided and fill the vacancy by appointment until the vacancy is filled by an election.

(1933 Ga. Laws, p. 635, § 6)

Sec. I-V-27. Staff, collections.

The county tax commissioner of and for Murray County is authorized to employ such assistants and clerks as will be necessary to transact, do, and perform the duties of the office, and that compensation for the same shall be paid for by the tax commissioner of Murray County out of his salary; that the fees and commissions heretofore allowed the tax receiver and tax collector of Murray County shall be paid to the commissioner of roads and revenues of Murray County, to be accounted for by him as other county funds are accounted for, and all commissions, fees, compensations, and other charges heretofore paid by the State of Georgia to the tax collector and tax receiver of Murray County for the receiving and collecting its taxes either special ad valorem, occupation, or any other taxes, including school tax, or license of any nature whatever, shall be charged and collected by the tax commissioner of Murray County and paid to the commissioner of roads and revenues of Murray County, and they shall be accounted for by him as other funds.

(1933 Ga. Laws, p. 635, § 7)

Sec. I-V-28. Compensation.

[Superseded, see section I-II-5 above.]

Sec. I-V-29. Supplies.

The commissioner of roads and revenues of Murray County shall furnish to the tax commissioner an office in the courthouse of said county, fuel for the same, and necessary office furniture and equipment, stamps and stationery, blanks and books, for the use of such officer; and it shall be the duty of the said officer to keep said office open every business day of the year, except such days as he may be absent therefrom in taking tax returns and collecting taxes.

(1933 Ga. Laws, p. 635, § 9)

Sec. I-V-30. Oath; bond.

Before entering upon the duties of his office, the tax commissioner shall take oath now prescribed by law for the tax collector and tax receiver and shall also at the same time and place give bond and security as follows:

(a) Bond and security, payable to his Excellency the Governor of Georgia and his successors in office, in the sum equal to one-half state taxes estimated to be due from Murray County for the year for which said officer is required to give bond, said bond to be filed as such bond is now required to be filed by the tax collector and tax receiver.

(b) Bond and security, payable to the ordinary of Murray County, Georgia, conditioned for the faithful performance of his duties as such tax commissioner, in a sum to be fixed by the said ordinary, and approved by him, which bond must be filed and approved by the ordinary of said county. If any tax commissioner shall fail or neglect to give and file said bond as herein required within ten days from the time of entering upon the duties of his office, the county commissioner of roads and revenues of Murray County shall declare a vacancy in said office, which vacancy shall be filled in the manner herein provided.

(1933 Ga. Laws, p. 635, § 11)

Sec. I-V-31. Duties.

The tax commissioner shall perform each and every duty and all of the duties now required of both the tax collector and tax receiver of Murray County in the manner prescribed by law, and he shall be subject to all the pains and penalties and have all the rights, powers, and privileges, of said two offices and officers, except compensation.

(1933 Ga. Laws, p. 635, § 11)

Sec. I-V-32. Tax authorized for salary.

The commissioners of roads and revenues of Murray County are hereby authorized and empowered, for and in behalf of Murray County, to levy and collect a tax on all the taxable property of Murray County sufficient to pay the salary of said tax commissioner and the expense of the office herein provided.

(1933 Ga. Laws, p. 635, § 12)

Sec. I-V-33. Disposition of fees.

All fees, commissions, percentages, and allowances paid by the State of Georgia to the tax receiver and tax collector for receiving and collecting state taxes, when this Act shall become in effect, shall be by the said tax commissioner collected and paid into the designated depository to the credit of Murray County; also all fees and costs allowed by law to the tax collector for issuing tax fi. fas. against delinquent taxpayers, when this Act shall become

effective, shall be by the tax commissioner collected and paid into the designated depository to the credit of Murray County. Such funds shall be withdrawn as other county funds are withdrawn.
(1933 Ga. Laws, p. 635, § 13)

Secs. I-V-34—I-V-50. Reserved.

DIVISION 3. HOMESTEAD EXEMPTION*

Sec. I-V-51. County purposes.

Section 1. For purposes of this Act, the term:

(1) *Ad valorem taxes for county purposes* means all ad valorem taxes for county purposes levied by, for, or on behalf of Murray County, excluding taxes to retire county bond indebtedness.

(2) *Homestead* means homestead as defined and qualified in O.C.G.A. § 48-5-40.

(3) *Income* means gross income, as defined by Georgia law, from all sources.

Section 2.

(a) Each resident of Murray County is granted an exemption on that person's homestead from Murray county ad valorem taxes for county purposes in the amount of $4,000.00 of the assessed value of that homestead if that person's income, together with the income of all members of the family residing within the homestead, does not exceed $15,000.00 for the immediately preceding taxable year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(b) A person shall not receive the homestead exemption granted by subsection (a) of this section unless the person or person's agent [files] an affidavit with the tax commissioner of Murray County giving the amount of income which that person and all members of the family residing within the homestead received during the last taxable year and such information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such person is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose and shall require such information as may be necessary to determine the initial and continuing eligibility of the applicant for the exemption.

Section 3. The exemption shall be claimed and returned as provided in O.C.G.A. § 48-5-50.1. The exemption shall be automatically renewed from year to year as long as the applicant occupies the residence as a homestead. After a person has filed the proper affidavit as provided in subsection (b) of Section 2 of this Act, it shall not be necessary to make

*__Editor's note—__This division is a compilation of various special acts of the Georgia General Assembly which do not justify treatment as an article or division of this Part I. Section numbers have been arbitrarily assigned to the provisions of this article, and history notes have been provided indicating the source of each section.

application and file such affidavit thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Act to notify the tax commissioner of Murray County or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

Section 4.

(a) The exemption granted by this Act shall not apply to or affect any state taxes, municipal taxes, or county school district taxes for educational purposes.

(b) The exemption granted by this Act shall be in lieu of any other homestead exemption from Murray County ad valorem taxes for county purposes.

Section 5. The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 1999.
(1997 Ga. Laws, p. 3947, §§ 1—5)

Sec. I-V-52. Bonded debt.

Section 1. For purposes of this Act, the term:

(1) *Ad valorem taxes for county purposes* means all ad valorem taxes for county purposes levied by, for, or on behalf of Murray County, including, but not limited to, taxes to retire county bond indebtedness.

(2) *Homestead* means homestead as defined and qualified in O.C.G.A. § 48-5-40.

(3) *Senior citizen* means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under this Act is made.

Section 2.

(a) Each resident of Murray County who is a senior citizen is granted an exemption on that person's homestead from all Murray County ad valorem taxes for county purposes in the amount of $12,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(b) A person shall not receive the homestead exemption granted by subsection (a) of this section unless the person or person's agent files an affidavit with the tax commissioner of Murray County giving the person's age and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such person is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose and shall require such information as may be necessary to determine the initial and continuing eligibility of the applicant for the exemption.

Section 3. The exemption shall be claimed and returned as provided in O.C.G.A. § 48-5-50.1. The exemption shall be automatically renewed from year to year as long as the applicant occupies the residence as a homestead. After a person has filed the proper affidavit

as provided in subsection (b) of Section 2 of this Act, it shall not be necessary to make application and file such affidavit thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Act to notify the tax commissioner of Murray County or the designee thereof in the event that person for any reason becomes ineligible for that exemption. Any person who, as of January 1, 1998, has applied for aid is eligible for the $6,000.00 homestead exemption from Murray County ad valorem taxes for county purposes pursuant to a local constitutional amendment (1980 Ga. Laws, p. 2050) shall be eligible for the exemption granted by this Act without further application if that person has applied for and been eligible for the immediately preceding year for such exemption.

Section 4.

(a) The exemption granted by this Act shall not apply to or affect any state taxes, municipal taxes, or county school district taxes for educational purposes.

(b) The exemption granted by this Act shall be in lieu of any other homestead exemption from Murray County ad valorem taxes for county purposes.

Section 5. The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 1999.
(1997 Ga. Laws, p. 3943, §§ 1—5)

Sec. I-V-53. School bond debt.

Section 1. For purposes of this Act, the term:

(1) *Ad valorem taxes for educational purposes* means all ad valorem taxes for educational purposes levied by, for, or on behalf of the Murray County School District, including, but not limited to, taxes to pay interest on and to retire school bond indebtedness.

(2) *Homestead* means homestead as defined and qualified in O.C.G.A. § 48-5-40.

(3) *Income* means net income, as defined by Georgia law, from all sources. For the purposes of this Act, net income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and such individual's spouse under the federal Social Security Act, and income from such sources in excess of such maximum amount shall be included as net income for the purposes of this Act.

(4) *Senior citizen* means a person who is 62 years of age or over on or before January 1 of the year in which application for the exemption under this Act is made.

Section 2.

(a) Each resident of the Murray County School District who is a senior citizen is granted an exemption on that person's homestead from all Murray County School District ad valorem taxes for educational purposes in the amount of $30,000.00 of the assessed

value of that homestead, if that person's income, together with the income of the spouse of such person who resides within such homestead, does not exceed $20,000.00 for the immediately preceding taxable year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(b) A person shall not receive the homestead exemption granted by subsection (a) of this section unless the person or person's agent files an affidavit with the tax commissioner of Murray County giving the person's age, and the amount of income which the person and the person's spouse residing within such homestead received during the last taxable year, and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose.

Section 3. The tax commissioner of Murray County or the designee thereof shall provide application forms for the exemption granted by this Act and shall require such information as may be necessary to determine the initial and continuing eligibility of the owner for the exemption.

Section 4. The exemption shall be claimed and returned as provided in O.C.G.A. § 48-5-50.1. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper affidavit as provided in subsection (b) of Section 2 of this Act, it shall not be necessary to make application and file such affidavit thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Act to notify the tax commissioner of Murray County or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

Section 5. The exemption granted by this Act shall not apply to or affect any state taxes, municipal taxes, independent school district taxes, or Murray County taxes for county purposes. The homestead exemption granted by this Act shall be in addition to and not in lieu of any other homestead exemption applicable to Murray County School District ad valorem taxes for educational purposes.

Section 6. The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 1999.
(1999 Ga. Laws, p. 3501, §§ 1—6)

SPECIAL ACTS COMPARATIVE TABLE

This table shows the location of the sections of the Special Acts and any amendments thereto.

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PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. Adoption of Code; name.
Sec. 1-2. Incorporation of resolutions, etc.
Sec. 1-3. Form of Code; repository; maintenance.
Sec. 1-4. Definitions and rules of construction.
Sec. 1-5. Catchlines of sections; history notes and references.
Sec. 1-6. Severability of parts of Code.
Sec. 1-7. References to titles of officers, employees, public bodies.
Sec. 1-8. Interpretation of language.
Sec. 1-9. Grammatical interpretation.
Sec. 1-10. Acts by agent.
Sec. 1-11. Causing, permitting, abetting or concealing prohibited act.
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Sec. 1-16. Amendments to Code.
Sec. 1-17. Supplementation of Code.
Sec. 1-18. Altering Code.
Sec. 1-19. General penalty; continuing violations; authority granted to court.
Sec. 1-20. Liability for violations by corporations and other associations.

Sec. 1-1. Adoption of Code; name.

The codification of resolutions, general resolutions and ordinances passed by the county commissioner is adopted as "The Code of Murray County, Georgia," and may be so cited. Such Code may also be cited as the "Murray County Code."

State law references—Authority to adopt ordinances and resolutions, Georgia Constitution, Art. IX, § II, P. I; O.C.G.A. § 36-1-20; authority and duty to adopt code, O.C.G.A. § 36-80-19.

Sec. 1-2. Incorporation of resolutions, etc.

Any resolution, general resolution or ordinance not presently included in the Official Code of Murray County, Georgia, and passed subsequent to the preparation of such codification is automatically included and incorporated herein by reference.

Sec. 1-3. Form of Code; repository; maintenance.

A copy of The Code of Murray County, Georgia, shall be kept on file in the office of the clerk to the county commissioner, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or someone authorized by the clerk to insert in their designated places all resolutions, general resolutions and ordinances which indicate the intention of the county commissioner to make the same a part of The Code of Murray County, Georgia, when the same have been printed or reprinted in page form, and to extract from The Code of Murray County, Georgia, all provisions which may be from time to time repealed by the county commissioner. This copy of The Code of Murray County, Georgia, shall be available for all persons desiring to examine the same and shall be considered The Code of Murray County, Georgia.

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

Sec. 1-4. Definitions and rules of construction.

In the construction of this Code and of all resolutions and ordinances, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of county commissioner or the context clearly requires otherwise.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Code. The term "Code" shall mean The Code of Murray County, Georgia, as designated in section 1-1.

Computation of time. Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set

forth in O.C.G.A. § 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

County. The term "county" or "the county" means the County of Murray, State of Georgia.

County clerk. Unless otherwise specifically provided, the term "county clerk" means the person employed by the county commissioner to fulfill the duties of clerk of the county commissioner as then defined.

County commissioner. The term "county commissioner" means the county commissioner of Murray County, Georgia.

Day. The term "day" means a calendar day of 24 hours.

Delegation of authority. Whenever a provision appears requiring the head of a department of the county to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Joint authority. All terms giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, except when such terms are used to grant authority to the county commissioner.

Keeper and *proprietor.* The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, receivers, trustees, personal representatives, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Law. The term "law" means and denotes applicable federal law, the Constitution and statutes of the State of Georgia, the resolutions of the county, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

May. The term "may" is permissive.

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

Must. The term "must" is mandatory.

Names of officers and departments. The name or title of any officer or department shall be read as though the term "of Murray County" were added thereto.

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

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

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

Or, and. The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it.

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

Penal resolutions, ordinances. The rules of construction and definitions of words as contained in the penal code of the state, insofar as they can be made applicable, are hereby adopted as governing the penal ordinances or resolutions of the county.

Person. The term "person" shall include a natural person, corporation, firm, partnership, association, organization, club, company, business, trust and any other group acting as a unit, or the manager, lessee, agent, servant, officer or employee of any of them, as well as an individual.

Personal property. The term "personal property" shall include every species of property except real property.

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

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

Property. The term "property" shall include real and personal property.

Public place. The term "public place" means any park, cemetery, schoolyard or open space adjacent thereto or any area available and/or accessible to the public, regardless of whether privately or publicly owned.

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

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

Road, street. The terms "road" and "street" shall include all roads, streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this county which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

Schedule of fees and charges. The term "schedule of fees and charges" means the official consolidated list maintained in the county clerk's office which lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the county commissioner.

Seal. The term "seal" means the county seal.

Shall. The term "shall" is mandatory.

Sheriff. The term "sheriff" means the sheriff of Murray County, Georgia.

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

Signature, subscription. The terms "signature" and "subscription" shall include a mark when the person cannot write.

State. The terms "state" and "the state" mean the State of Georgia.

Tenant. The terms "tenant" and "occupant" applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Week. The term "week" shall be construed to mean a calendar week of seven days.

Written, in writing. The terms "writing" and "written" shall include printing and any other mode of representing words and letters.

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

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

Sec. 1-5. Catchlines of sections; history notes and references.

The catchlines of sections in this Code printed in boldface type, italics or otherwise are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. The history notes appearing in parentheses after each section and the references and editor's notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

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

Sec. 1-6. Severability of parts of Code.

It is hereby declared to be the intention of the county commissioner that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code since the same would have been enacted by the county commissioner without the incorporation in the Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

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

Sec. 1-7. References to titles of officers, employees, public bodies.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the county.

Sec. 1-8. Interpretation of language.

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

Sec. 1-9. Grammatical interpretation.

The following grammatical rules shall apply in the ordinances and resolutions of the county unless it is apparent from the context that a different construction is intended:

(1) *Gender.* Each gender includes the masculine, feminine and neuter genders.

(2) *Singular and plural.* The singular number includes the plural and the plural includes the singular.

(3) *Tenses.* Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Sec. 1-10. Acts by agent.

When an act is required by resolution or ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by a designated agent.

Sec. 1-11. Causing, permitting, abetting or concealing prohibited act.

Whenever in the resolutions or ordinances of the county any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-12. Construction of provisions.

The provisions of the resolutions or ordinances of the county and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Sec. 1-13. Effect of repeal or expiration of resolution.

(a) The repeal of a resolution or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the resolution expired and shall not repeal the repealing clause of a resolution or revive any resolution or ordinance which has been repealed thereby.

(b) When a resolution or ordinance which repealed another shall itself be repealed, the previous resolution or ordinance shall not be revived without express words to that effect.

Sec. 1-14. Matters not affected by Code.

Nothing in this Code or the resolution or ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(2) Any resolution or ordinance promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness.

(3) Any contract or obligation assumed by the county.

(4) Any resolution or ordinance fixing the salary of any county officer or employee.

(5) Any right or franchise granted by the county.

(6) Any resolution or ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the county.

(7) Any appropriation resolution or ordinance.

(8) Any resolution or ordinance which, by its own terms, is effective for a stated or limited term.

(9) Any resolution or ordinance providing for local improvements and assessing taxes for such improvements.

(10) Any zoning resolution or ordinance.

(11) Any resolution or ordinance dedicating or accepting any subdivision plat.

(12) Any resolution or ordinance describing or altering the boundaries of the county.

(13) The administrative resolutions or ordinances of the county not in conflict or inconsistent with the provisions of this Code.

(14) Any resolution or ordinance levying or imposing taxes not included in this Code.

(15) Any resolution or ordinance establishing or prescribing street grades in the county.

No such resolution or ordinance shall be construed to revive any resolution or ordinance or part thereof that has been repealed by a subsequent resolution or ordinance which is repealed by this chapter. All such resolutions or ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-15. Provisions considered continuations of existing resolutions.

The provisions appearing in this Code, so far as they are the same as resolutions or ordinances adopted prior to this Code and included in such Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-16. Amendments to Code.

(a) All resolutions or ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. In the case of repealed chapters, sections and subsections or any part thereof by subsequent resolutions or ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent resolutions or ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent resolutions or ordinances until such time that this Code and subsequent resolutions or ordinances numbered or omitted are readopted as a new Code by the county commissioner.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That The Code of Murray County, Georgia, is hereby amended by adding a section (or article or chapter) to be numbered, which section reads as follows:. . . ." The new section may then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-17. Supplementation of Code.

(a) By contract or by county personnel, supplements to this Code shall be prepared at least on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of resolutions or ordinances passed by the county commissioner during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest resolution or ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in resolutions and parts of resolutions included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the resolution or ordinance material into appropriate subdivisions.

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

(4) Change the words "this resolution" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the resolution or ordinance incorporated into the Code).

(5) Make other nonsubstantive changes necessary to preserve the original meanings of resolution or ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of resolution material included in the supplement or already embodied in the Code.

Sec. 1-18. Altering Code.

It shall be unlawful for any person in the county to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby, unless so authorized by resolution or ordinance or other official act of the county commissioner. Any person violating this section shall be punished as provided in section 1-19.

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

Sec. 1-19. General penalty; continuing violations; authority granted to court.

(a) O.C.G.A. § 36-1-20 gives the county commissioner, for the purpose of protecting and preserving the public health, safety and welfare, authorization to adopt resolutions and ordinances for the governing and policing of the unincorporated areas of the county, violations of such resolutions and ordinances may be punished by fine or imprisonment or both.

(b) The Georgia General Assembly, in 1991, amended O.C.G.A. § 36-1-20, relating to resolutions and ordinances for governing and policing unincorporated areas of the county, so as to increase the maximum fine from $500.00 to $1,000.00.

(c) O.C.G.A. § 36-1-20 gives jurisdiction over violations of county resolutions and ordinances to the magistrate court of the county.

(d) O.C.G.A. § 36-1-20 is hereby incorporated as a part of the Official Code of Murray County, Georgia.

(e) Whenever in this Code or in any resolution or ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or any resolution or ordinance the doing of any act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided therefor, and unless otherwise

provided by state law, the violation of any such provision of this Code or any such resolution or ordinance shall be punished by a fine not to exceed $1,000.00 and imprisonment in the county prison or in the county jail and work and labor on the streets or public works of the county, whether within or without the corporate limits, not exceeding 60 days or both a fine and sentence of imprisonment and labor and all sentences may be in the alternative and fines may be imposed with the alternative of sentence to imprisonment and labor if the fines are not paid. Each day any violation of this Code or of any resolution or ordinance shall continue shall constitute a separate offense.

(f) The judge of the magistrate court shall have the power and authority to:

(1) Impose upon persons convicted in the magistrate court the fines provided for in this Code, the resolutions and ordinances of the county, or as otherwise provided by law, with the alternative of other punishment allowed by law, if such fines are not paid;

(2) Sentence such person to community service work; or

(3) Impose a sentence consisting of any combination of the penalties provided for in this section.

(g) The judge of the magistrate court shall have full power and authority to declare the forfeiture of bonds given by offenders for their appearance before the court upon the offender's failure to appear as provided for in such bond. The procedure for the forfeiture of such bonds shall be as is provided for the forfeiture of bonds and recognizance set forth in O.C.G.A. § 17-6-70 et seq.

(Ord. No. 32, § 5, 6-2-1998)

State law references—Forfeitures and fines to be paid to county, O.C.G.A. § 15-21-2; imposition of additional penalty for certain drug offenses, O.C.G.A. § 15-21-100; imposition of additional penalty for offense of driving under the influence of alcohol or drugs, O.C.G.A. § 15-21-112; additional penalty to be imposed in criminal and traffic cases to provide training to law enforcement officers and prosecuting officials, O.C.G.A. § 15-21-73, 15-21-77; additional penalty assessments for jail construction and staffing, O.C.G.A. § 15-21-93; punishment for misdemeanors generally, O.C.G.A. § 17-10-3(a); alternative punishments for traffic offenses, O.C.G.A. § 17-10-3(e); display of driver's license for violations of laws pertaining to traffic and motor vehicles, O.C.G.A. § 17-6-11; payments to peace officers annuity and benefit fund from revenues collected from fines and fees, O.C.G.A. § 47-17-60 et seq.; fines and forfeitures generally, O.C.G.A. § 15-21-1, et seq.; procedure for prosecution of county ordinance violations, O.C.G.A. § 15-10-60.

Sec. 1-20. Liability for violations by corporations and other associations.

(a) Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

(b) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

Chapter 2

ADMINISTRATION*

Article I. In General

Sec. 2-1. 9-1-1 charge on prepaid wireless service.
Secs. 2-2—2-20. Reserved.

Article II. Inspection of Public Records

Sec. 2-21. Availability generally.
Sec. 2-22. Determination of accessibility.
Sec. 2-23. Supervision.
Sec. 2-24. Locale of work.
Sec. 2-25. Determination of fees.
Sec. 2-26. Photocopying fee.
Sec. 2-27. Disposition of funds.

***Cross references—**Any resolution or ordinance promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness saved from repeal, § 1-14(2); any contract or obligation assumed by the county saved from repeal, § 1-14(3); any resolution or ordinance fixing the salary of any county officer or employee saved from repeal, § 1-14(4); the administrative resolutions or ordinances of the county not in conflict or inconsistent with the provisions of this Code saved from repeal, § 1-14(13); administration of construction codes, § 18-28; administration and enforcement buildings and building construction, § 18-51 et seq.; courts, ch. 22; administration of flood damage prevention regulations, § 30-61 et seq.; planning and development, ch. 50; taxation, ch. 62; water, ch. 70.

State law references—Claims against counties, O.C.G.A. § 36-11-1 et seq.; provisions applicable to counties and municipalities, O.C.G.A. § 36-60-1 et seq.; provisions applicable to counties and municipalities, O.C.G.A. § 36-80-2 et seq.; home rule for counties, Ga. Const. art. IX, § II, ¶ I; supplemental powers of municipalities and counties, Ga. Const. art. IX, § II, ¶ III.

ARTICLE I. IN GENERAL

Sec. 2-1. 9-1-1 charge on prepaid wireless service.

(a) *9-1-1 charge on prepaid wireless transactions.* In accordance with O.C.G.A. § 46-5-134.2, there is hereby imposed a prepaid wireless 9-1-1 charge as defined by O.C.G.A. § 46-5-134.2(a)(4) upon every prepaid wireless retail transaction occurring within the jurisdiction of the public service answering point in the amount of $0.75.

(b) *Collection of 9-1-1 charge on prepaid wireless transactions.* Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the Commissioner of the Department of Revenue at the times and in the manner provided by O.C.G.A. tit. 48, ch. 8, with respect to the sales and use tax imposed on prepaid wireless calling service.

(c) *Administrative provisions.* The clerk of the county is hereby directed to file with the state revenue commissioner a certified copy of this section and amendments thereto, in accordance with O.C.G.A § 46-5-134.2(j)(1), within ten days of enactment of this section.

(d) *Depositing of funds; use of funds.* In accordance with O.C.G.A. § 46-5-134.2(j)(5), funds received by this county from charges imposed by this section shall be deposited in the emergency telephone system fund maintained by this county pursuant to O.C.G.A. § 46-5-134 and kept separate from general revenue of the jurisdiction; all such funds shall be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134(e).

(Amend. of 8-2-2011, §§ 1—4)

Editor's note—An amendment adopted Aug. 2, 2011, §§ 1—4, added provisions to the Code, but did not specify manner of inclusion; hence, codification as § 2-1 was at the discretion of the editor.

Secs. 2-2—2-20. Reserved.

ARTICLE II. INSPECTION OF PUBLIC RECORDS

Sec. 2-21. Availability generally.

All county records, except those which by order of a court or by law are prohibited from being opened to inspection by the general public, shall be opened for personal inspection of any citizen at a reasonable time during business hours at the principal office of the county commissioner.

(Ord. No. 18, Art. I, 7-6-1993)

State law reference—Inspection of public records, O.C.G.A. § 50-18-70.

Sec. 2-22. Determination of accessibility.

The custodian of the public records shall have a reasonable time, not to exceed three business days, to determine whether or not the request of the records are subject to access under state law.

(Ord. No. 18, Art. II, 7-6-1993)

Sec. 2-23. Supervision.

All inspection, extraction and copying of public records, instruments, and documents shall only be done under the supervision of the lawful custodian of the record or a designated assistant.
(Ord. No. 18, Art. III, 7-6-1993)

Sec. 2-24. Locale of work.

All work must be done in the county office where the records sought are maintained.
(Ord. No. 18, Art. IV, 7-6-1993)

Sec. 2-25. Determination of fees.

The custodian or designated assistant shall charge the person requesting such information with the actual costs of providing such information based upon a pro rata breakdown of such employee's hourly rate of pay or such rate of compensation as can be otherwise agreed upon by the person making the photocopies and the custodian for his services or the services of a deputy in supervising the work before such information can be released.
(Ord. No. 18, Art. V, 7-6-1993)

State law reference—Authorization to impose fees and determination of fees, O.C.G.A. § 50-18-71.

Sec. 2-26. Photocopying fee.

The intent and purpose of this policy shall be a reimbursement of costs incurred by the county and is not a charge for county services. The cost of photocopying shall be a rate as set forth in the schedule of fees and charges on file in the office of the county clerk.
(Ord. No. 18, Art. VI, 7-6-1993)

Sec. 2-27. Disposition of funds.

All funds collected under this policy shall be deposited in the general funds of the county and shall not be retained by any employee.
(Ord. No. 18, Art. VII, 7-6-1993)

Chapters 3—5

RESERVED

Chapter 6

ALCOHOLIC BEVERAGES*

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Sec. 6-10. Open area and patio sales.
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Sec. 6-12. Sales to persons under age; evidence of age.
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***Cross references—**Alcoholic beverages prohibited on adult entertainment establishments, § 10-98; public drunkenness, § 42-3.

State law references—Local licensing of malt beverage sales, O.C.G.A. § 3-5-40 et seq.; local licensing of wine sales, O.C.G.A. § 3-6-40; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to person under 21 years of age, etc. jurisdiction of municipal courts, O.C.G.A. § 36-32-10; driving under the influence of alcohol, drugs, etc., O.C.G.A. § 40-6-391.

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

All definitions set forth in the Georgia Alcoholic Beverage Code (O.C.G.A tit. 3) and state regulations, as amended, are adopted by this chapter. 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:

Alcoholic beverage means and includes all alcohol, beer, malt beverage, wine, or fortified wine.

Applicant means any person who files forms designated by the director of code enforcement as an applicant for a license to sell alcoholic beverages either at retail or wholesale, deal in alcoholic beverages either at retail or wholesale or manufacture alcoholic beverages.

Church means property that has been legally deeded and recorded to a board of trustees of a religious organization and which has a permanent freestanding building that is publicly designated and operated exclusively as a church, but does not include a residence or place of business also used for religious purposes, and that such entity is qualified as an exempt religious organization under Section 501(c)(3) of the Internal Revenue Code.

Code enforcement officer means a certified peace officer, as defined by state law, appointed by the commissioner to enforce this chapter.

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

Director means the director of code enforcement, who is delegated the authority by the commissioner, to administer and enforce the provisions of this chapter.

Distance means the distance as established in section 6-103 of this chapter.

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

License means the authorization by the commissioner to engage in the sale of alcoholic beverages on the premises.

Local caterer or *concessionaire* means a person, other than the preferred caterer and concessionaire, whose principal business is to cater meals or other food items for functions located off the caterer's premises, who maintains a permanent office within the county and who meets the citizenship and residency requirements of section 6-105 of this chapter.

Lounge means a separate room connected with, a part of or adjacent to a restaurant, as defined in this section, or located in a hotel, provided that the seating capacity of the lounge shall not exceed that of its connected restaurant.

Nonprofit civic organization means an organization which is an exempt organization under section 501(c) or (d) of the Internal Revenue Code of 1986, as amended.

Package store means a geographic location within the county wherein a license may be issued for the sale of packaged alcoholic beverages in unbroken packages.

Person means any individual or entity as defined in the Georgia Alcoholic Beverage Code, (O.C.G.A. tit 3) and state regulations, as amended.

Person under age means any individual under the age of 21 years.

Pour and *pouring* means the sale of alcoholic beverages by the drink for consumption on the premises.

Pouring outlet means any place where alcoholic beverages are poured or proposed to be poured. A pouring outlet shall not sell or permit the sale of any alcoholic beverages by the package, but may sell malt beverages by the pitcher, can or bottle or wine by the bottle or decanter for consumption on the premises.

Premises means either:

(1) That definite, closed or partitioned-in locality, whether room, shop or building, wherein alcoholic beverages are sold, either by package or for consumption in such locality; or

(2) As to any pouring outlet, any other location not nearer than 100 feet to any property boundary of the lands exclusively owned, leased or hired by the licensee for such pouring outlet.

Pub means a pouring outlet, as defined in this section, which serves malt beverages or wine by the drink.

Restaurant means a business maintaining a fixed location for the sale and service of food and beverages to members of the general public in a dining room or premises with space to seat not less than 50 persons and serving such food and beverages from a sanitary kitchen within the premises. For the purposes of this definition, such business shall serve food and beverages not less than three hours per day or not less than four days per week.

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

School means only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state.

Tavern means a pouring outlet, as defined in this section, which serves malt beverages or wine by the drink.

Editor's note—Definitions relating to alcoholic beverages, O.C.G.A. §§ 3-1-2, 3-3-21.
(Ord. No. 55, 8-15-2003)

Sec. 6-2. Purposes of chapter.

This chapter has been enacted in accordance with a plan designed for the following purposes, among others:

(1) Promoting the health and general welfare of the community;

(2) Establishing reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages to protect and preserve schools and churches;

(3) Giving effect to existing land use and preserving certain residential areas, with reasonable considerations, among others to the character of the area and the peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining the stability of neighborhoods and property values; and

(4) Protecting against the evils of concentration of ownership of retail outlets for alcoholic beverages or preventing undesirable persons from engaging in or having any interest in alcoholic beverages.

(Ord. No. 55, 8-15-2003)

Sec. 6-3. Applicability.

The sections of this chapter and the license fees levied in this chapter shall apply to all persons residing or maintaining a place of business in the county or to any person bringing alcoholic beverages into the county for the purpose of sale, except those sales made by a salesperson upon order and delivery later.

State law references—County authority to regulate manufacture and distribution of alcoholic beverages, O.C.G.A. § 3-4-49; local regulation of distilled spirits, O.C.G.A. §§ 3-4-40 and 3-4-90; location regulation of malt beverages, O.C.G.A. § 3-5-40; local regulation of wine, O.C.G.A. § 3-6-40; local regulation of alcoholic beverages in private clubs, O.C.G.A. § 3-7-40; local regulation of alcoholic beverages in airports, O.C.G.A. § 3-8-1.

(Ord. No. 55, 8-15-2003)

Sec. 6-4. Compliance with chapter.

It shall be unlawful for any person to sell or offer for sale at wholesale or retail any alcoholic beverages without having first complied with this chapter including, but not limited to, obtaining the appropriate alcoholic beverage license from the county.

(Ord. No. 55, 8-15-2003)

Sec. 6-5. Laws and regulation adopted.

The state laws and regulations relating to the sale and distribution of alcoholic beverages in the state, as revised and promulgated by the general assembly and by the state revenue

department and especially as they relate to wholesale and retail package sales and retail sales for consumption on the premises, are incorporated into and made a part of this chapter as if fully set out in this section.
(Ord. No. 55, 8-15-2003)

Sec. 6-6. Penalties.

Any person violating any of the sections of this chapter or who shall assist any dealer in alcoholic beverages in the county to evade or avoid the payment of the fees and taxes provided for in this chapter shall be guilty of a violation of this chapter and, upon conviction in the court, shall be fined or sentenced to the maximum allowed or both such fine and sentence to be inflicted in the discretion of the court, and such person so convicted shall also be subject to having his license revoked if he shall be a licensed dealer in alcoholic beverages either at wholesale or retail.

State law reference—Maximum fines for violation of licensing ordinances, O.C.G.A. § 3-3-2.2.
(Ord. No. 55, 8-15-2003)

Sec. 6-7. Powers and duties of director of code enforcement generally.

For the purposes of this chapter, the director of code enforcement is vested with the following duties and powers:

(1) *Initial applications.* To screen, verify, investigate and review all initial applications for licenses for the sale of alcoholic beverages, at wholesale and retail, by the package and by the drink. The director shall make a determination of all qualifications and requirements to ensure that the applicant meets the qualifications and requirements and then forward a recommendation to the commissioner as to grant or deny a license.

(2) *Renewals.* To investigate and hear reports and charges constituting probable cause not to renew licenses for the sale of alcoholic beverages at wholesale and retail, by the package and by the drink, and to forward a recommendation to the commissioner as to grant or deny renewals of licenses for the sale of alcoholic beverages by the package and for the sale of alcoholic beverages by the drink.

(3) *Determinations of conduct or offenses requiring penalty, suspension, revocation or combination thereof.* To conduct hearings upon charges of the county to any alcohol beverage licensee as to the occurrence of conduct or an offense for which penalty, suspension, revocation or a combination thereof is provided under this chapter; to cause a record and transcript of such hearing to be made and kept; to make finding of fact as to such conduct or offense as charged in writing and transmit the findings to the commissioner with the record and transcript of the hearing in such case.

(4) *Modifications.* To recommend to the commissioner modifications of this chapter and other county ordinances and policies pertaining to the regulation, control and taxing of alcoholic beverages.

(5) *Rules.* To promulgate rules and regulations governing procedure before it.
(Ord. No. 55, 8-15-2003)

Sec. 6-8. Possession in unsealed containers.

It shall be unlawful for any person to possess any alcoholic beverage in an unsealed container on premises licensed for sale of alcoholic beverages by the package, and it shall be unlawful for any licensee or other person to permit such possession of alcoholic beverages on the premises.

State law reference—Similar provision, O.C.G.A. § 3-3-26.
(Ord. No. 55, 8-15-2003)

Sec. 6-9. Possession in public places.

(a) It shall be unlawful for any person to drink, consume, transport or carry any alcoholic beverage, except in the original package and with the seal unbroken, on the public streets, sidewalks or in any park, county/city maintained recreation facility, public parking lot or semipublic parking lot. The term "semipublic parking lot" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, commercial establishment, office building or apartment building.

(b) It shall not be a violation of subsection (a) of this section to drink, consume, transport, carry, sell or possess any alcoholic beverage in an approved designated area.

State law references—Similar provision, open containers in motor vehicles, O.C.G.A. § 40-6-253; public drunkenness, O.C.G.A. § 16-11-41.
(Ord. No. 55, 8-15-2003)

Sec. 6-10. Open area and patio sales.

The consumption and/or sale of alcoholic beverages shall be allowed in open areas and patios, provided that such open areas and patios are separated from non-designated areas by a physical barrier, fence, rail or similar structure sufficient to prevent ingress and egress by a person except through a controlled access point and, further, provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such establishment, including but not limited to regulations pertaining to maximum capacity, ingress and egress. If the designated area is separated from the licensee's premises so that it is necessary to traverse public property to get from one location to the other, it shall be unlawful for alcoholic beverages to be carried from the premises to the designated area or vice versa by anyone but the licensee or employees of the licensee.
(Ord. No. 55, 8-15-2003)

Sec. 6-11. Underage persons prohibited on premises.

No person who holds a license to sell malt beverages, wine or other alcoholic beverages shall allow any person under age to be in, frequent or loiter about the premises of the licensee unless such person under age is accompanied by a parent or legal guardian.

However, facilities whose gross sales consist primarily of sales of food and nonalcoholic beverages, where sales of alcoholic beverages are merely incidental to the business, are excepted from this section.

(Ord. No. 55, 8-15-2003)

State law reference—Limitation on employment of underage persons in certain establishments, O.C.G.A. § 3-3-24.

Sec. 6-12. Sales to persons under age; evidence of age.

No person issued a license under this chapter or any other person on the licensed premises shall sell any alcoholic beverages to any person under age. It shall be the responsibility of the licensee under this chapter to examine the identification of patrons to be certain that such patrons are of legal age. The licensee or his employee as evidence of age may accept a driver's license with picture.

(Ord. No. 55, 8-15-2003)

State law reference—Furnishing alcoholic beverages to underage person, O.C.G.A. § 3-3-23.

Sec. 6-13. Purchase or possession by underage persons; misrepresentation of age.

It shall be unlawful for any person under age to purchase or possess any alcoholic beverage. It shall be unlawful for any person under age to misrepresent his age in any manner whatsoever for the purpose of illegally obtaining any alcoholic beverages.

(Ord. No. 55, 8-15-2003)

State law reference—Purchase of alcoholic beverages by underage persons, misrepresentation of age, O.C.G.A. § 3-3-23.

Sec. 6-14. Employees.

Except as otherwise provided by law:

(1) No person issued a license under this chapter shall employ any person under 18 years of age in or about the premises where alcoholic beverages are sold, consumed or offered for sale to sell or deliver or to aid or assist in the sale or delivery, directly or indirectly, of alcoholic beverages; and

(2) No person under 18 years of age shall sell, take orders for or deliver or in any manner take part or assist in the sale, serving or delivery of alcoholic beverages.

(Ord. No. 55, 8-15-2003)

State law reference—Underage persons employed where alcoholic beverages sold, O.C.G.A. § 3-3-23.

Sec. 6-15. Furnishing to underage persons.

It shall be unlawful for any person to buy alcoholic beverages and furnish them to a person under age, except as provided by law.

(Ord. No. 55, 8-15-2003)

State law reference—Furnishing alcoholic beverages to underage person, O.C.G.A. § 3-3-23.

Sec. 6-16. Sale on Sundays, holidays and election days.

(a) No alcoholic beverages shall be sold either by a wholesaler or a retail dealer on Sunday.

(b) If otherwise lawful, persons holding alcoholic beverages licenses from the County of Murray pursuant to this chapter shall be authorized to sell alcoholic beverages on all election days and holidays subject to all of the rules and regulations of this Code applicable to such sales.
(Ord. No. 55, 8-15-2003)

State law reference—Similar provisions, O.C.G.A. § 3-3-20.

Sec. 6-17. Business hours of licensed wholesaler.

The business hours of any wholesaler licensed to sell alcoholic beverages shall be at all times not inconsistent with limitations on such sales as set forth in this chapter or in state law.
(Ord. No. 55, 8-15-2003)

Sec. 6-18. Reserved.

Sec. 6-19. Hours of sale of malt beverages and wine sold by the package.

No malt beverage or wine shall be sold by the package after 11:00 p.m. or before 7:00 a.m. in the county.
(Ord. No. 55, 8-15-2003)

Sec. 6-20. Serving time of pouring outlets.

It shall be unlawful for pouring outlets to sell or serve any alcoholic beverage between the hours of 12:01 a.m. on Sunday morning and 10:00 a.m. on the following Monday, and between the hours of 2:00 a.m. and 10:00 a.m. on the other days of the week.
(Ord. No. 55, 8-15-2003)

Sec. 6-21. Closing and vacation of premises of pouring outlets.

The premises of all pouring outlets shall be completely closed and vacated by all persons, except those persons regularly employed for management, sanitation and supply purposes, no later than 1:00 a.m. on Sunday and no later than 3:00 a.m. on other days.
(Ord. No. 55, 8-15-2003)

Sec. 6-22. Service after hours at pouring outlets.

No alcoholic beverages shall be sold at pouring outlets during the prohibited hours, based upon timely sale of tickets, chits, decanters or other devices.
(Ord. No. 55, 8-15-2003)

Sec. 6-23. Reserved.

Editor's note—An amendment adopted May 6, 2014, repealed former § 6-23, which pertained to coin-operated devices; amusement machines, and derived from Ord. No. 55, adopted Aug. 15, 2003.

Sec. 6-24. Delivery by retailer beyond licensed premises.

It shall be unlawful for any person issued a license under this chapter to make deliveries of any alcoholic beverages by the package beyond the boundaries of the premises covered by the license or any alcoholic beverage by the drink beyond the indoor boundaries of the premises covered by the license.
(Ord. No. 55, 8-15-2003)

Sec. 6-25. Drive-in window.

It shall be unlawful for any person to sell or dispense any alcoholic beverage from drive-in or service windows.
(Ord. No. 55, 8-15-2003)

Sec. 6-26. Clear view of entrance and interior of licensed premises.

(a) No licensee for the sale of alcoholic beverages by the package shall operate under the license unless the front entrance to the licensed premises is clearly visible from the public street.

(b) No screen, blind, curtain, partition, article or thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors of any retail store for the sale of alcoholic beverages by the package, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such premise shall be so lighted that its interior is visible day and night.
(Ord. No. 55, 8-15-2003)

Sec. 6-27. Sales in connection with other businesses.

No retail license for the sale of any alcoholic beverages by the package shall be allowed in or in connection with any restaurant, cafe or eating place or in the same room where a bar is maintained for the dispensing and sale of malt beverages and wine by the drink or any other business establishment. Nothing in this section, however, shall be construed to limit or prohibit the operation of a package store in the same building complex with other businesses.
(Ord. No. 55, 8-15-2003)

Sec. 6-28. Misrepresentation of contents.

Under this chapter it shall be unlawful for licensees or their agents to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.
(Ord. No. 55, 8-15-2003)

State law reference—Quality requirements, O.C.G.A. § 3-3-5.

Sec. 6-29. Sale to certain persons.

No person issued a license under this chapter or any other person on the licensed premises shall sell any alcoholic beverages to any person in an intoxicated condition or to any person known to such licensee or his employees to be an habitual drunkard or to any person known to such licensee or his employees to be of intemperate habits or of unsound mind.
(Ord. No. 55, 8-15-2003)

State law reference—Similar provision, O.C.G.A. § 3-3-22.

Sec. 6-30. Private clubs.

Any private club that secures a pouring license under this chapter and that is operated behind locked doors shall provide at least two keys to each lock or, where cards are used for admittance, two cards for each lock, properly marked. One key or card shall be provided to the director of code enforcement, and one key or card shall be provided to the county sheriff. The changing of the locks without supplying new keys or cards shall be grounds for revocation of the license.
(Ord. No. 55, 8-15-2003)

State law reference—Local regulation of alcoholic beverages in private clubs, O.C.G.A. § 3-7-40.

Sec. 6-31. Copy of chapter on premises.

It shall be the duty of the management of a pouring or package outlet to maintain a copy of the pouring or package license ordinance contained in this chapter at the location and to instruct each employee on the terms thereof.
(Ord. No. 55, 8-15-2003)

State law reference—Display of license required, O.C.G.A. § 3-3-3.

Sec. 6-32. Sale of gasoline on premises where beer; wine and malt beverages sold.

The sale of gasoline shall be allowed at a convenience store location, which holds a valid and effective beer, wine or malt beverage license issued by the county, subject to the following restrictions:

(1) There must be present on the premises an inventory of retail goods and merchandise available for sale having a retail value of not less than $8,000.00, excluding the value of alcoholic beverages and cigarettes, at all times. For purposes of measuring whether an inventory of retail goods and merchandise of a value of at least $8,000.00 is available at all times for sale on the premises, there must be an average monthly inventory based upon the inventory records for the specific premises of at least $8,000.00, excluding alcoholic beverages and cigarettes.

(2) No drive-in window sales of alcoholic beverages shall be allowed.

(3) Each license holder at the premises shall have his monthly inventory records showing the retail value of all goods and merchandise on the premises at the location of the premises at all times during regular business hours for inspection by the Director.

(Ord. No. 55, 8-15-2003)

Sec. 6-33. Limitation on consumption sales.

It shall be unlawful for any person to knowingly and intentionally sell any alcoholic beverage for consumption on premises located within 600 feet of any library.
(Ord. No. 55, 8-15-2003)

Sec. 6-34. Advertising for sale of alcoholic beverages.

It shall be unlawful to advertise for the sale of alcoholic beverages or wine on the premises of any licensed outlet except for one sign visible from the exterior of the outlet, unlit internally or directly, and showing the sale of beer or wine to the general public, i.e., "Beer", "Cold Beer", "Wine", "Beer and Wine". The sign shall be limited to a size not greater than 1,296 square inches with lettering not greater than six inches on two sides. No other signs, which will be visible from the exterior of the building, shall be permitted.
(Ord. No. 55, 8-15-2003)

Secs. 6-35—6-60. Reserved.

ARTICLE II. LICENSE

DIVISION 1. GENERALLY

Sec. 6-61. Approval of commissioner.

(a) With the exception of a temporary permit, no alcoholic beverage license shall be issued until the commissioner has approved it.

(b) No alcoholic beverage license shall be approved unless all sections of this chapter have been met.
(Ord. No. 55, 8-15-2003)

Sec. 6-62. Grant or privilege.

Every license issued under this article shall be a mere grant or privilege to carry on such business during the term of the license, subject to all the terms and conditions imposed by this chapter and related laws, applicable sections of this Code and other county ordinances and resolutions relating to such business.
(Ord. No. 55, 8-15-2003)

Sec. 6-63. Types of licenses.

The types of alcoholic beverage license that may be issued under this article are as follows:

(1) Pouring wine and malt beverages.

(2) Package wine and malt beverages.

(3) Wholesale alcoholic beverages.

(4) Manufacturer.

(5) Brew pub.

(6) In-room service.

(7) Preferred caterer and concessionaire.

(8) Temporary permit.

(9) Private club.

(Ord. No. 55, 8-15-2003)

State law references—Local licenses, O.C.G.A. § 3-3-2; county license issuance and requirement, O.C.G.A. § 3-5-41; local licenses with regard to wine, O.C.G.A. § 3-6-40; local licenses for private clubs, O.C.G.A. § 3-7-40; local regulation of sale of alcoholic beverages at publicly owned facilities O.C.G.A. § 3-8-1 et seq.; local regulation of manufacture, distribution and sale of alcoholic beverages, O.C.G.A. § 3-4-40 et seq.

Sec. 6-64. Holding more than one retail license.

A retail alcoholic beverage licensee may hold more than one type of retail license, provided that the commissioner must approve each license.

(Ord. No. 55, 8-15-2003)

Sec. 6-65. Use restricted to license type.

It shall be unlawful for a licensee to engage in any activity pertaining to the sale of alcoholic beverages except as authorized by the type of license held.

(Ord. No. 55, 8-15-2003)

Sec. 6-66. Limitations on use.

(a) No package sales shall be allowed in or in connection with any restaurant, cafe, eating place, private club or in any establishment other than a retail store.

(b) No package sales shall be allowed in the same room when pouring sales are allowed.

(c) Not less than 80 percent of the gross receipts of any business establishment selling malt beverages and/or wine to the general public for consumption upon the premises, shall be generated by the sale of food products or other on-premises services. Sales of malt beverages and/or wine in such establishments shall be ancillary to the primary business of serving food products or on-premises services to the general public. The licensee shall be required, at least annually, but more often if reasonably required by the director, to produce

accurate financial records and/or other documents as reasonably required demonstrating compliance herewith. Any failure to produce such records timely shall be sufficient cause for the revocation of a license.
(Ord. No. 55, 8-15-2003; Ord. No. 55, Amend. 1, 12-3-2003)

Sec. 6-67. Display.

Each licensee for the sale of alcoholic beverages shall have his license posted conspicuously in his place of business. Upon failure to so display the license, the license may, at the discretion of the director and approval of the commissioner, be revoked and the licensee may be punished as prescribed in this chapter.
(Ord. No. 55, 8-15-2003)

State law reference—Similar provision, O.C.G.A. § 3-3-3.

Sec. 6-68. Inspection of licensed establishments.

The director of code enforcement or any code enforcement officer or sworn officer of the sheriff shall have the authority to inspect establishments licensed under this article during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This inspection is not intended to limit the authority of any other officer to conduct inspections authorized by other sections of this Code.
(Ord. No. 55, 8-15-2003)

Sec. 6-69. Audits.

Under this chapter, if the director deems it necessary to conduct an audit of the records and books of a licensee, the director shall notify the licensee of the date, time and place of the audit.
(Ord. No. 55, 8-15-2003)

Sec. 6-70. Eligibility for pouring license.

Except as otherwise provided in this chapter, no application shall be considered from and no license granted to an applicant whose business location for any alcoholic beverages is anything other than a restaurant, hotel, private club or lounge. Every eating establishment must maintain a current food service permit from health department.
(Ord. No. 55, 8-15-2003)

Sec. 6-71. Separate businesses.

Under this chapter a separate license shall be required for each business location, and a separate application shall be made for each such place.
(Ord. No. 55, 8-15-2003)

Sec. 6-72. Annual fees.

All annual alcoholic beverage license fees shall be paid in advance on or before January 15 of each year, and any new license granted during a calendar year shall be prorated for the remainder of the calendar year.
(Ord. No. 55, 8-15-2003)

Sec. 6-73. Amount of fees.

(a) Each person manufacturing or selling malt beverages in the county shall pay an annual license fee as follows:

(1)	Manufacturer	$ 5,000.00
(2)	Wholesaler	100.00
(3)	Retailer, package only	750.00
(4)	Pouring, per seat of seating capacity, minimum of 50 seats	25.00
(5)	Temporary permit	50.00
(6)	Local caterer or concessionaire	375.00
(7)	Brew pub	5,000.00
(8)	Preferred caterer or concessionaire	750.00

(b) Each person manufacturing or selling wine in the county shall pay an annual license fee as follows:

(1)	Wholesaler	$ 100.00
(2)	Retailer, package only	750.00
(3)	Pouring, per seat of seating capacity, minimum of 50 seats	25.00
(4)	Temporary permit	50.00
(5)	Local caterer or concessionaire	375.00
(6)	Preferred caterer or concessionaire	750.00

(c) The license fee for in-room service shall be $500.00.
(Ord. No. 55, 8-15-2003)

State law references—County authority to impose license fee for manufacture, distribution, and sale of malt beverages, O.C.G.A. § 3-5-41; authority to impose license fee regarding alcoholic beverages sales at airports, O.C.G.A. § 3-8-1; limitation on local license fees for manufacture, distribution, and package sales, O.C.G.A. § 3-4-48; exception from fees prohibited, O.C.G.A. § 3-3-4.

Sec. 6-74. Responsibility for employee's conduct.

Every person issued an alcoholic beverage license is responsible for the conduct or actions of his employees while in his employ.
(Ord. No. 55, 8-15-2003)

Secs. 6-75—6-100. Reserved.

DIVISION 2. QUALIFICATIONS GENERALLY

Sec. 6-101. Issuance to person.

A license required under this article shall be issued to a person, as defined in the Georgia Alcoholic Beverage Code (O.C.G.A. tit. 3) and state regulations, as amended.
(Ord. No. 55, 8-15-2003)

Sec. 6-102. Location of premises.

No license for the manufacture, wholesale or retail sale of alcoholic beverages shall be issued except where such business is to be located in the area of the county properly zoned for such business.
(Ord. No. 55, 8-15-2003)

State law reference—Local authority to regulate location of licensed premises, O.C.G.A. § 3-4-49.

Sec. 6-103. Distance requirements.

(a) For an alcoholic beverage license to be issued to other than a preferred caterer and concessionaire, local caterer or concessionaire or temporary permit, the premises of the applicant must meet the following distance requirements:

(1) For a license for wine or malt beverages, the premises shall not be located in or within 300 feet of any church.

(2) For a license for wine or malt beverages, the premises shall not be located in or within 600 feet of any school building, educational building, school grounds, or college campus.

As used in this subsection (a), the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common school or in colleges of the state and which are public schools or private schools as defined in O.C.G.A § 20-2-690(B).

(b) An applicant for a new alcoholic beverage license who has acquired a previously licensed alcoholic beverage location may, within 12 months after the expiration of the previous owner's license, obtain an alcoholic beverage license, limited to the type or types of license of the previous owner, for that location even though the location may not meet the distance requirements set forth in this section. An application filed under this subsection shall meet and qualify under all other requirements of this section 6-103 for the granting of a new license. Provided, however, an application filed under this subsection (b) shall not be required to provide a survey showing that distance requirements have been met.

(c) For the purposes of subsections (a) and (b) of this section, distance shall be measured by the most direct route of pedestrian travel on the ground along the right-of-way. Distance shall be measured from the nearest building wall of any church or nearest property line of any school, public library, college campus or public recreation area to the center of any door of customer entry of the proposed premises of the applicant.
(Ord. No. 55, 8-15-2003; Ord. No. 55, Amend. 1, 12-3-2003)

State law reference—Similar provision, O.C.G.A. § 3-3-21.

Sec. 6-104. Reserved

Sec. 6-105. Citizenship and residency requirements.

Citizenship and residency requirements for an applicant for a license to engage in the sale of alcoholic beverages shall be as follows:

(1) If an individual, the person shall be a United States citizen or an alien lawfully admitted for permanent residence and a resident of the county.

(2) If a partnership or corporation, this section shall apply to all its partners, officers, managers and principal stockholders as defined in section 6-108(a). If a corporation or LLC, the license shall be issued to the corporation for LLC. Where the principal stockholder or member is not a resident of the county, the corporation or LLC shall designate an individual as its agent who must be a resident of the county who will be responsible for any matter relating to the license. For a partnership, the license will be issued to one of the partners. If a partner is not a resident of the county, the partnership must designate a county resident.

(Ord. No. 55, 8-15-2003)

Sec. 6-106. Filing of changes.

Any changes in any relationship declared in this division must be filed, when made, with the director, and failure to do so within a period of 30 days after such change is made shall be grounds for cancellation of a license granted under this chapter by the commissioner.
(Ord. No. 55, 8-15-2003)

Sec. 6-107. Disqualification generally.

No application for any license required under this article shall be granted where the application, investigation or the evidence presented at a hearing before the director shows any of the following conditions to exist:

(1) The applicant or his agent has a conviction, as defined in section 6-108, or does not have sufficient mental capacity to conduct the business for which application is made.

(2) The applicant or any agent, stockholder, partner or member of the applicant has had any license issued by the county or any other governing authority previously revoked.

(3) The applicant or his agent, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to such business, within a ten-year period immediately preceding the date of the application.

(4) The applicant's business is not properly zoned for the license applied for or does not otherwise meet the requirements of this chapter.

(Ord. No. 55, 8-15-2003)

Sec. 6-108. Persons with prior convictions.

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

Convicted includes an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime;

Principal stockholder refers to an individual owning, directly or indirectly, a five percent or more interest in the corporation or limited partnership.

(b) No license for the sale of alcoholic beverages shall be issued to any person, partnership or corporation where any individual having an interest either as owner, partner, principal stockholder, directly or indirectly, beneficial or absolute, or such person's spouse or agent responsible for matters relating to the license shall have been convicted or shall have taken a plea of nolo contendere within ten years immediately prior to the filing of the application for any felony or misdemeanor of any state or of the United States or any local ordinance, except traffic violations; where the violation is for a misdemeanor relating to a local ordinance; or where there is a plea of nolo contendere or bond forfeiture.

(Ord. No. 55, 8-15-2003)

Sec. 6-109. In-room service.

(a) In-room service means the provision of a cabinet or other facility located in a hotel-motel guestroom which contains beer and/or wine only, which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of beer and/or wine contained therein is final at the time requested, except for a credit which may be given to the guest for any unused portion.

(b) Any hotel-motel that acquires this in-room service shall also be required to obtain a consumption on the premises license and meet all of the requirements of the chapter.

(c) No hotel-motel shall be authorized to provide in-room service until it has been issued a special license to do so.

(d) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.

(e) Keys for in-room service shall only be sold to guests between the hours of 9:00 a.m. until 12:00 midnight, Monday through Saturday.

State law reference—Authority for sale of alcoholic beverages by hotels and motels, O.C.G.A. § 3-9-10 et seq.

(Ord. No. 55, 8-15-2003)

Sec. 6-110. Local caterer or concessionaire; preferred caterer and concessionaire.

(a) A local caterer or concessionaire may seek a license from the County for the sale of alcoholic beverages for consumption by the drink at catered affairs, provided such applicant meets all of the requirements of this chapter. However, the applicant shall not have a restaurant, hotel, private club or lounge as his business location.

(b) A local caterer or concessionaire licensee and a preferred caterer and concessionaire licensee shall only sell alcoholic beverages for consumption by the drink in conjunction with the service of catered food items.

(c) A local caterer or concessionaire licensee and a preferred caterer and concessionaire licensee shall not sell alcoholic beverages on Sunday.

(d) Except as set forth in this section, a local caterer or concessionaire licensee and a preferred caterer and concessionaire licensee must comply with all other sections of this chapter.

(Ord. No. 55, 8-15-2003)

State law reference—County authority for regulation of alcoholic beverage caterers, O.C.G.A. § 3-11-2.

Sec. 6-111. Temporary permits for nonprofit civic organizations.

(a) For the purposes of this section, the term "bona fide nonprofit civic organization" is defined as an organization which is an exempt organization under section 501(c) or (d) of the Internal Revenue Code of 1986, as amended, whose membership includes county residents.

(b) Upon the filing of an application and payment of the required fee and notification to the director on the required form by a bona fide nonprofit civic organization, the director may issue a permit authorizing the organization to serve alcoholic beverages for consumption only on the premises for a period not to exceed one day, subject to any law regulating the time for serving such beverages. No more than two permits may be issued to an organization in any one calendar year pursuant to this section. A permit issued pursuant to this section shall be valid only for the location, times and date specified in the permit.

(Ord. No. 55, 8-15-2003)

Sec. 6-112. Brew pub.

(a) No individual shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the county pursuant to the same procedures as are set forth in division 3 of this article, and each brew pub license holder shall comply with all other applicable state and local license requirements. A brew pub license authorizes the holder of

such license to: (1) manufacture on the licensed premises not more than 5,000 barrels of beer in a calendar year solely for retail on the premises and solely in draft form; and (2) operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only and, provided further, in addition to draft beer manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers.

(b) Possession of a brew pub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.

(c) A brew pub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off premises.

(d) A brew pub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesalers.

(e) Except as set forth in this section, a brew pub license holder shall be subject to all sections of this chapter.
(Ord. No. 55, 8-15-2003)

State law references—Operation of brewpubs, O.C.G.A. § 3-5-35; authority for county licensing for manufacture, distribution, and sale of malt beverages, O.C.G.A. § 3-5-41.

Secs. 6-113—6-140. Reserved.

DIVISION 3. APPLICATION AND ISSUANCE GENERALLY

Sec. 6-141. Application required.

Every person desiring to obtain a license required under this chapter shall make formal written application to the director of code enforcement for such privilege, signed by the applicant and agent, if applicable, upon forms to be prepared and provided by the director. All such applicants and agents shall furnish all reasonable data; information and records requested of them by the director, and failure to furnish such data, information and records within 30 days from the date of such request shall automatically serve to dismiss the application. Applicants or those having an interest in the application, by filing an application, agree to produce any criminal record for review by the director and, for oral interrogation, any person requested by the director and considered as being important in the ascertainment of the facts relative to such person within 30 days after being requested to do so shall result in the automatic dismissal of the application. The application must be in the name of the person conducting the business at the address contained in the application.
(Ord. No. 55, 8-15-2003)

Sec. 6-142. False information.

Any material omission or untrue or misleading information contained in or left out of an original or renewal application for an alcoholic beverage license shall be cause for the denial thereof. If any license has previously been granted on the basis of such misleading statements or material omissions, such shall constitute cause for the revocation of the license.
(Ord. No. 55, 8-15-2003)

Sec. 6-143. Processing fee.

Upon filing an application for an alcoholic beverage license with the director, the director shall require the applicant to deposit a nonrefundable-processing fee of $100.00.
(Ord. No. 55, 8-15-2003)

Sec. 6-144. Advertisement of intent to engage in business.

The county clerk shall give notice of the application for an alcoholic beverage license by advertisement for at least two consecutive weeks, once weekly in the weekly paper published in the county in which the legal advertisements of the county are carried. The notice shall contain a particular description of the location of the proposed business and shall give the name of the applicant and agent, if applicable, and if a partnership, the name of the partner to whom the license shall be issued and if a corporation, the names of the largest stockholders and the date and time the commissioner would hear the application.
(Ord. No. 55, 8-15-2003)

Sec. 6-145. Payment of taxes and other debts to county.

The director shall cause an inquiry to be made into the county tax records to determine if an applicant for an alcoholic beverage license or other party with interest in the application has any outstanding taxes, real or personal or special assessments that are delinquent against his property or any other monies owing to the county. No license shall be issued or renewed until such debts are paid in full.
(Ord. No. 55, 8-15-2003)

Sec. 6-146. Issuance.

Upon an application for an alcoholic beverage license being granted by the commissioner, a license shall be issued to the applicant as of the date the applicant commences his alcoholic beverage business and upon the payment by the applicant of the license fee prescribed in section 6-73.
(Ord. No. 55, 8-15-2003)

Sec. 6-147. Notification of denial.

The denial of an application for an alcoholic beverage license shall be in writing, with the reasons therefore stated, and shall be mailed or delivered to the applicant. Upon timely

application, any applicant aggrieved by the decision of the commissioner regarding a permit for license shall be afforded a hearing with an opportunity to present evidence and cross examine opposing witnesses.
(Ord. No. 55, 8-15-2003)

Sec. 6-148. Acceptance and consideration of application after rejection or revocation.

When any application for an alcoholic beverage license is denied for cause or any license is revoked for cause by the commissioner, the commissioner shall not accept or consider any application by such applicant or licensee for a license to operate the same type of business within 12 months from the time of rejection.
(Ord. No. 55, 8-15-2003)

Sec. 6-149. Approval of applications for sites under construction.

An application for a proposed licensed alcoholic beverage premises may be approved by the commissioner prior to the applicant obtaining an occupancy permit for the premises if the premises are currently under construction, renovation or rehabilitation. If approved by the commissioner, the director shall not issue the alcohol beverage license until the applicant has obtained an occupancy permit and all other approvals required by the state and county for fire and building code purposes and has advised the director in writing of the date on which the alcoholic beverage business shall commence, which date shall not exceed 12 months from the date of application approval. The license shall be dated as of such commencement date and shall not be effective until that date. If the applicant fails to obtain an occupancy permit or to commence the alcoholic beverage business within 12 months of the date of approval of the alcohol beverage license by the commissioner, the applicant shall forfeit his application which shall, by virtue of failure to commence the alcoholic beverage business, be rejected without the necessity of any further action of the commissioner.
(Ord. No. 55, 8-15-2003)

Sec. 6-150. Time limit for commencement of business.

Except for a license issued to a site under construction, which is governed by section 6-149, an applicant must open the alcoholic beverage business in the establishment referred to in the application within six months after its approval by the commissioner. The director shall not issue the alcoholic beverage license until presented with the applicant's notarized statement stating the applicant is in fact the owner of the establishment and will open for business on a date certain. The license shall be dated as of the date certain in the affidavit and shall not be effective until that date. Failure to open the license establishment within the six-month period or the date stated in the applicant's affidavit shall serve as an automatic forfeiture and cancellation of the unused license, and no refund of license fees shall be made to the license holder.
(Ord. No. 55, 8-15-2003)

Sec. 6-151. Time limit for suspending business.

Any holder of a license issued under this division who shall begin the operation of the business authorized in the license, but who shall for a period of six consecutive months thereafter cease to operate the business as authorized in the license, shall, upon completion of the six-month period, automatically forfeit his license, which license shall, by virtue of the failure to operate, be canceled without the necessity of any further action of the commissioner.
(Ord. No. 55, 8-15-2003)

Sec. 6-152. Compliance with codes and ordinances.

All applicants for an alcoholic beverage license shall comply with all rules, regulations, codes, and ordinances adopted by Murray County, including, but not limited to, the Murray County Subdivision Regulations, the Murray County Land Use Ordinance, the Murray County Building Ordinance and the Murray County Erosion and Sedimentation Control Ordinance.
(Ord. No. 55, 8-15-2003)

Secs. 6-153—6-175. Reserved.

DIVISION 4. RESTRICTIONS

Sec. 6-176. Compliance with article by wholesalers.

All wholesalers licensed under this article shall file a certified statement of the gross sales of the business for the preceding calendar month with the county clerk on or before the 20th of the following month.
(Ord. No. 55, 8-15-2003)

Sec. 6-177. Interest in other licenses by wholesalers.

No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license or an interest in any license under the terms of this article.
(Ord. No. 55, 8-15-2003)

Sec. 6-178. Sales and deliveries by wholesalers.

Alcoholic beverage deliveries and sales by wholesalers under this article shall only be made to retailers properly licensed for the operation of alcoholic beverage establishments in the county. Deliveries shall be made in a conveyance owned and operated by the licensed wholesaler, and such license shall, at all times when deliveries are made in the county, be in the conveyance making such deliveries and shall be subject at all times to inspection by any and all duly authorized county authorities.
(Ord. No. 55, 8-15-2003)

Sec. 6-179. Retailers to purchase from licensed wholesalers.

Retail dealers in alcoholic beverages licensed under the applicable sections of this article shall not buy or accept deliveries of alcoholic beverages from wholesalers or other persons offering alcoholic beverages for sale except from wholesalers duly licensed under this article. Any such retail dealer shall only accept deliveries of alcoholic beverages directly to the premises for which his license or permit is issued and by no means other than a conveyance owned and operated by a wholesaler licensed as required by this article. However, on written request to the director and upon the granting of permission by the commissioner in writing, deliveries may in special instances be made, otherwise upon terms and conditions as prescribed by the director as to each such delivery.
(Ord. No. 55, 8-15-2003)

Sec. 6-180. Invoices.

Upon every delivery of alcoholic beverages by a licensed wholesaler to a licensed retailer, an invoice in triplicate shall be prepared, showing the quantities and brands of alcoholic beverages delivered together with the price thereof and the tax collected on the alcoholic beverages. The wholesaler shall deliver the original copy of such invoice to the retailer simultaneously with each such delivery. The wholesaler shall retain the second copy of the invoice and shall keep it for a period of 12 months. The wholesaler shall keep such invoices for one year after the date of the invoices, and during the year such invoices shall be made available for inspection by authorized county representatives. If requested by an authorized county representative, a copy of such invoices shall be attached to any reports requested or required by the county.
(Ord. No. 55, 8-15-2003)

Sec. 6-181. County official, spouse, children, prohibited from interest in license.

It shall be unlawful for any elected or full time appointed official or any employee of the county or spouse or minor children thereof to have any whole, partial or beneficial interest as defined by state law in any license to sell alcoholic beverages or wine in the county.
(Ord. No. 55, 8-15-2003)

Secs. 6-182—6-205. Reserved.

DIVISION 5. RENEWAL, REVOCATION AND TRANSFER

Sec. 6-206. Renewal required.

All licensees under this article shall be required to renew their licenses annually on forms prescribed by the director.
(Ord. No. 55, 8-15-2003)

Sec. 6-207. Time of renewal.

Any person licensed under this article shall be required to renew his license on or before the next January 15. A penalty of ten percent of the license fee shall be assessed for failure to renew the license on or before January 15.
(Ord. No. 55, 8-15-2003)

Sec. 6-208. Expiration upon delinquency.

A license issued under this article shall expire automatically and without notice upon the occurrence of a delinquency of 20 days in:

(1) Filing any required monthly report under this chapter; or

(2) Paying over any required excise tax levied under this chapter or any other indebtedness owed to the county.

(Ord. No. 55, 8-15-2003)

Sec. 6-209. Revocation of state license.

Whenever the state department of revenue shall revoke any permit or license to manufacture or sell at wholesale or retail any alcoholic beverages, any license issued under this chapter for the same licensed premises shall thereupon be automatically revoked without any action by the commissioner or county officer, and the licensee shall not be entitled to any refund of any license fee theretofore paid to the county.
(Ord. No. 55, 8-15-2003)

Sec. 6-210. Suspension in emergency.

The commissioner and director of code enforcement are each delegated the authority to suspend any license issued under this chapter for due cause in any emergency situation, and the suspension shall be made effective immediately and shall remain in force until the next regular or called meeting of the commissioner.
(Ord. No. 55, 8-15-2003)

Sec. 6-211. Notice of violation.

The director shall notify the person issued an alcoholic beverage license in writing by certified mail, return receipt requested, of any charge of conduct or offense subject to penalty, suspension or revocation or any combination thereof.
(Ord. No. 55, 8-15-2003)

Sec. 6-212. Action by commissioner.

The charges described in section 6-211 shall first be heard before the director. The licensee shall be given notice by the director of the meeting at least five days prior to the meeting and the licensee shall be allowed to appear and present evidence in his behalf. Upon hearing evidence from the county and the licensee, if the licensee shall present any evidence, the

director will make a written recommendation as to the findings of fact as to the charges. A record and transcript of the pleadings, document filings, written charges and documentary evidence and a transcript of the hearing will be made and delivered to the commissioner.

The charges described in section 6-211 shall be considered by the commissioner upon review of the hearing record and transcript of the hearing before the director. The commissioner shall determine from the hearing record and transcript whether there is substantial evidence for a determination that the conduct or offense charged occurred. The commissioner shall after deliberation make a determination as to whether the conduct or offense charged has occurred and shall notify the licensee in writing of this determination.
(Ord. No. 55, 8-15-2003)

Sec. 6-213. Reserved.

Sec. 6-214. Other licenses.

When the commissioner finds a violation of any section of this Code for which the licensee shall have his alcoholic beverage license suspended or revoked, all alcoholic beverage licenses of the licensee shall be so suspended or revoked.
(Ord. No. 55, 8-15-2003)

Sec. 6-215. Refund of fee.

When an alcoholic beverage license is revoked or suspended under this division, the county shall not be required to refund any portion of the license fee.
(Ord. No. 55, 8-15-2003)

Sec. 6-216. Removal of signs and alcoholic beverages.

When any license for selling alcoholic beverages is revoked or automatically expires pursuant to section 6-208, all alcoholic beverages and all signs indicating that such beverages may be sold or purchased shall be removed from the place of business, both outside and inside. After receipt by the code enforcement department of notice of such revocation or expiration, the code enforcement department shall take the necessary steps to see that this section is enforced.
(Ord. No. 55, 8-15-2003)

Sec. 6-217. Transferability.

(a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.

(b) If an individual licensee dies, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur. However, no sale of

alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application with the director for authorization to continue to sell for such period.

(c) (1) If a licensee or responsible person, other than the owner, severs such person's association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 60 days from the date of such severance, provided a new application is filed with the director within ten days of such severance which submits a new licensee or responsible person, as the case may be, for approval and indicates that there has been no change in the ownership of the licensed establishment. If approved, the term of the new license shall be for the remaining term of the original license and the original license shall terminate as of the date of such approval. No additional license fees, other than an advertising and administrative fee set by the director from time to time, shall be required from the applicant.

(2) If a licensed establishment is sold to a person who, at the time of the sale, holds a valid license to sell alcohol at another establishment located within the county (purchaser), the purchaser may continue, if otherwise qualified and with the written permission of the original license holder, to sell alcohol under the permit or permits of the selling license holder for a period of 60 days from the date purchaser's application to sell alcohol at the purchased licensed establishment (the temporary period), provided purchaser makes such application on or before the date of sale and in writing on a form approved by the director, agrees to accept, all responsibility for and arising from the license during the temporary period. If approved, the term of the purchaser's license shall be for the remaining term of the original license and shall terminate as of the date of such approval. No additional license fees, other than an advertising and administrative fee set by the director from time to time, shall be required from the purchaser.

(d) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license and who meet the qualifications of such licensee under this article. This subsection shall not prohibit the transfer of stock between persons who held stock in the corporate owner at the time of issuance of the license, nor shall it prohibit transfers of stock that do not result in any person increasing such person's holdings by a total of ten percent or more of any class stock.

(e) If the commissioner approves a transfer of location with no change in ownership of the business, the license fee paid for the old location shall be applied to the new location.

(f) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license issued automatically, without the necessity of any hearing.

(g) Violation of this section shall result in revocation of the license being used, and no license will be issued to the old or the new owner in the county for one year from the date of the violation.
(Ord. No. 55, 8-15-2003)

Sec. 6-218. Surrender of licenses.

(a) *Criteria generally.* Any licensee, authorized to engage in the sale of alcoholic beverages on specifically described premises, shall be required to surrender the license held by him without demand of the director upon any of the following events: except as otherwise provided in this chapter, any sale or transfer of any interest in the business of the license holder, whether an actual sale of any of the license holder's stock or proprietorship or partnership interest to any unregistered person or upon a sale of all or substantially all of the license holder's assets to any unregistered person. For purposes of this subsection, the term "unregistered person" shall mean any individual, corporation, partnership, limited partnership, club, association or fraternal order not shown upon any current application for an alcoholic beverage license on the specific premises involved. For purposes of this subsection, a sale of all or substantially all of the licensee's assets shall include or be deemed to include any sale of any specifically described premises or bulk sale of inventory or assets at any specifically described premises for which the license holder is licensed to engage in the sale of alcoholic beverages in the county. For purposes of this subsection, any corporation or limited partnership or association whose stock is traded on any stock exchange recognized by the United States Securities and Exchange Commission shall be excepted from this requirement to the extent of any transfer of shareholding or partnership interests not exceeding five percent in any one trade or transaction.

(b) *Time limit.* Surrender as provided in this chapter shall be made to the director within 30 days of any event requiring surrender of the license.

(c) *Fines for failure to surrender.* For failure to surrender the license within the period provided in subsection (b) of this section, the applicant shall be fined an amount as follows:

(1) The sum of $50.00 for failure to surrender within 30 days of the date that any surrender of the alcoholic beverage license is required; and

(2) An additional sum of $10.00 per day for each day thereafter from which the applicant fails or defaults in the surrender of the license after the date upon which the surrender is required.

(d) *Assessment of penalty.* The director shall assess any penalty against any applicant for failure to surrender the license as required by this section. Notice of assessment shall be by personal service or certified letter to the licensee based upon information and belief of the director stating the date that any required surrender should have been made by the licensee. The licensee shall have a period of ten days from the date of receipt of the personal service or certified letter of the director of the notice of assessment of the penalty to protest the assessment to the director by presenting evidence or information in writing to the director as to the licensee's position. If the director shall not agree with the licensee's position after the

licensee's written showing, the licensee shall have ten days from the date of the written notice of the director's written decision disagreeing with the licensee's protest to request in writing a hearing before the commissioner. Within ten days from the request, the commissioner will the hold a hearing with all parties and make a determination as to either approve or reject or modify any of the director's assessment and shall, at the next regular commissioner's meeting, either accept, reject or modify the assessment of the penalty.
(Ord. No. 55, 8-15-2003)

Secs. 6-219—6-245. Reserved.

DIVISION 6. SUSPENSION, REVOCATION OR OTHER PENALTY

Sec. 6-246. Conduct or offenses for which penalty, suspension or revocation required.

(a) The conduct and offenses which are prohibited in, upon or within the licensed premises of any alcoholic beverage licensee within the county where the conduct or offense involves an employee of the licensee, the applicant, the manager and/or the licensee or anyone holding a substantial interest in the licensee's business, are listed in the chart provided in subsection (c) of this section.

(b) For the purposes of subsection (a) of this section, where a fine or suspension is specified as the penalty for the conduct or offense, the licensee shall make irrevocable election at the time of the determination of the conduct or offense by the director as to whether to pay a fine or undergo suspension of license for the enumerated period. Once made, such election shall not be changed for any purpose.

(c) The conduct and offenses which are prohibited in, upon or within the licensed premises of any alcoholic beverage licensee are as listed in the following chart:

Offenses Involving Underage Persons	*First Offense*	*Second Offense within 24 months of first Offense*	*Third Offense within 30 months of two preceding Offenses*
	$1,500.00 fine or 3 months license suspension	$3,000.00 fine and 30-day suspension of license	Revocation of license for 6 months
1. Sale or furnishing alcohol to underage person.			
2. Keeping a place where underage person can come and purchase, drink or possess any alcoholic beverage.			
3. Permitting an underage person to be in, frequent or loiter about the premises unaccompanied by a parent or legal guardian.			

4. Employment of a minor in or about premises where minor sells or delivers, aids or assists in selling or delivering of alcoholic beverages.			
5. Any of the following conduct or offenses enumerated as 6 through 32 where an underage person is involved in the transaction.			
Time, Place and Manner of Violations	*First Offense*	*Second Offense within 24 months of first Offense*	*Third Offense within 30 months of two preceding Offenses*
6. Sunday Sales.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
7. Sale at prohibited times other than Sundays.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
8. Failure to vacate premises of pouring outlets at required time.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
9. Retail dealer of alcoholic beverages by package permitting slot machines or mechanical music boxes or pinball machines or any other coin-operated machine or machines except cigarette machines on premises.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
10. Selling or dispensing alcoholic beverages or wine from drive-in or service windows.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
11. Sale or delivery of alcoholic beverages whether by package or by drink beyond the premises or by curb service.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
12. Failure to report change in interest or ownership of business and/or change in information on application for license.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
13. Conducting music, dancing or other entertainment on premises licensed as pouring outlet without prior notification and permit of Murray County.	$1,000.00 fine	$1,500.00 fine	Revocation of license for 6 months
Sexual Offenses	*First Offense*	*Second Offense within 24 Months of first Offense*	*Third Offense within 30 months of two preceding Offenses*

14. Prostitution in violation of O.C.G.A. § 16-6-9.	$1,500.00 fine or 3 months license suspension	$3,000.00 fine and 30-day suspension of license	Revocation of license for 6 months
15. Keeping a place of prostitution in violation of O.C.G.A. § 16-6-10.			
16. Pimping in violation of O.C.G.A. § 16-6-11.			
17. Pandering in violation of O.C.G.A. § 16-6-12.			
18. Solicitation of sodomy in violation of O.C.G.A. § 16-6-15.			
19. Masturbation for hire in violation of O.C.G.A. § 16-6-16.			
20. Giving massages in place used for lewdness, prostitution, or masturbation for hire in violation of O.C.G.A. § 16-6-17.			
Offenses Against Public Order and Safety	*First Offense*	*Second Offense within 24 months of first Offense*	*Third Offense within 30 months of two preceding Offenses*
21. Maintaining a disorderly house in violation of O.C.G.A. § 16-11-44.			
22. Engaging in prohibited teaching, training or demonstration to others of the use, application, or making of any illegal firearm, dangerous weapon, explosive or incendiary device in violation of O.C.G.A. § 16-11-151.			
Offenses Against Public Health and Morals	*First Offense*	*Second Offense within 24 months of first Offense*	*Third Offense within 30 months of two preceding Offenses*
23. Contributing to the delinquency, unruliness, or deprivation of a minor in violation of O.C.G.A. § 16-12-1.			
Gambling	*First Offense*	*Second Offense within 24 months of first Offense*	*Third Offense within 30 months of two preceding Offenses*
24. Commercial gambling in violation of O.C.G.A. § 16-12-22.	$1,250.00 fine	$2,500.00 fine	Revocation of license for 6 months

25. Keeping a gambling place in violation of O.C.G.A. § 16-12-23.			
26. Possession, manufacture, or transfer of gambling device or parts including but not limited to electronic slot machine in violation of O.C.G.A. § 16-12-24.			
27. Communicating gambling information in violation of O.C.G.A. § 16-12-28.			
28. Solicitation of another to gamble with intent to defraud or deceive in violation of O.C.G.A. § 16-12-25.			
Offenses Involving Narcotics	*First Offense*	*Second Offense within 24 months of first Offense*	*Third Offense within 30 months of two preceding Offenses*
29. Distribution of Georgia Controlled Substances Act, O.C.G.A. § 16-13-70, et seq.	$2,500.00 fine or 3 months license suspension	$5,000.00 fine and 30-day license suspension	Revocation of license for 12 months
30. Violation of Georgia Controlled Substances Act, O.C.G.A. § 16-13-20.			
31. Violation of the Georgia Dangerous Drugs Act, O.C.G.A. § 16-13-70 et seq.			
Miscellaneous Offenses	*First Offense*	*Second Offense within 24 months of first Offense*	*Third Offense within 30 months of two preceding Offenses*
	$1,500.00 fine or 3 months suspension of license	$3,000.00 fine and 30 days license suspension	Revocation of license for 6 months
32. Violation of any heretofore unspecified provision of the Revenue Regulations of the Division of Alcohol, Tobacco and Firearms of the Georgia Department of Revenue pertaining to holding a state alcohol beverage license.			

(Ord. No. 55, 8-15-2003)

Secs. 6-247—6-340. Reserved.

ARTICLE III. EXCISE TAX

DIVISION 1. MALT BEVERAGES

Sec. 6-341. Imposed generally.

Except as provided in section 6-342, there is levied and imposed upon each wholesale dealer selling malt beverages within the county an excise tax in the amount of $0.05 per 12 ounces or proportionately of such amount of malt beverages sold by such wholesale dealer within the county, so as to graduate the tax on bottles, cans and containers of various sizes.
(Ord. No. 55, 8-15-2003)

State law reference—Similar provision, O.C.G.A. § 48-5-354.

Sec. 6-342. Tap or draft beer.

All malt beverages sold in or from a barrel or bulk container and being commonly known as tap or draft beer shall not be subject to the excise tax provided for in section 6-341, but in lieu thereof there is imposed upon each wholesale dealer selling such malt beverages within the county an excise tax of $6.00 for each barrel or bulk container having a capacity of not more than 15½ gallons sold by such wholesale dealer within the county and at a like rate for fractional parts thereof.
(Ord. No. 55, 8-15-2003)

State law reference—Similar provision, O.C.G.A. § 3-5-80.

Sec. 6-343. Separate from other charges.

The excise taxes provided for in this division shall be in addition to any license fee, tax or charge which may be imposed upon the business of selling malt beverages at retail or wholesale within the unincorporated areas of Murray County.
(Ord. No. 55, 8-15-2003)

Sec. 6-344. Payment and collection generally.

The excise tax imposed in this division shall be paid and collected in the manner provided in this division.
(Ord. No. 55, 8-15-2003)

Sec. 6-345. Duties of retail dealers for receipt of presentation of invoices.

All retail dealers of malt beverages and all persons selling at retail malt beverages within the county shall keep a correct record of all purchases of malt beverages and shall demand of and require all persons from whom they purchase malt beverages to furnish and deliver to them with such beverages a correct invoice of each purchase. The invoice shall be kept and

preserved by the retailer at his place of business for a period of 12 months from the date of the purchase. The invoices shall be open and subject to inspection by any authorized county representative at all reasonable times.
(Ord. No. 55, 8-15-2003)

Sec. 6-346. Report of wholesale dealers.

Each wholesale dealer who has sold malt beverages within the county shall file a report by the tenth day of each month itemizing for the preceding calendar month the exact quantities of all malt beverages, by size and type of container, for the month sold within the county. Each such wholesale dealer shall remit to the county on the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this division.
(Ord. No. 55, 8-15-2003)

Sec. 6-347. Marking.

No decal, stamp or other marking may be required on malt beverages designating the particular municipality or county in which a sale of malt beverages is made or in which resides a licensed retailer to whom the beverages are delivered.
(Ord. No. 55, 8-15-2003)

State law reference—Similar provisions, O.C.G.A. § 3-5-82.

Sec. 6-348. Delinquencies.

The failure to make a timely report and remittance under this division shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of ten percent of the amount of such remittance for each successive 30-day period or any portion thereof during which such report and remittance are not filed.
(Ord. No. 55, 8-15-2003)

State law reference—Enforcement by county authorized, O.C.G.A. § 3-5-84.

Sec. 6-349. False report.

The filing of a false or fraudulent report under this division shall render the wholesale dealer making such report liable for a penalty equal to ten percent of the amount of the remittance, which would be required under an accurate and truthful report.
(Ord. No. 55, 8-15-2003)

Sec. 6-350. Revocation of license.

In addition to the penalties in sections 6-348 and 6-349, the failure to make a timely report or remittance or the filing of a false or fraudulent report under this division shall also constitute grounds for the revocation of the business license issued by the county to a wholesale dealer.
(Ord. No. 55, 8-15-2003)

State law reference—Authority of county to enforce collection and payment of tax, O.C.G.A. § 3-5-84.

Secs. 6-351—6-375. Reserved.

DIVISION 2. WINE

Sec. 6-376. Levied.

There is imposed and levied a specific excise tax upon all retail dealers in wine within the county at the rate of $0.22 per liter container.
(Ord. No. 55, 8-15-2003)

State law reference—Excise tax authorized, O.C.G.A. § 3-6-60.

Sec. 6-377. Separate from other taxes and fees.

The tax levied under this division shall be in addition to all other taxes or license fees imposed upon retail dealers in wine and may be added by the retail dealer and collector as a sales tax from each customer, but the retail dealer shall pay the tax nevertheless to the county.
(Ord. No. 55, 8-15-2003)

Sec. 6-378. Payment and collection generally.

The excise tax imposed in this division shall be paid and collected as provided in this division.
(Ord. No. 55, 8-15-2003)

Sec. 6-379. Invoices.

Each distributor, wholesale dealer or manufacturer selling, shipping or delivering wine to any retail dealer or to any establishment having a pouring license in the county, by rail, truck or otherwise, shall make three true and correct copies of invoices of all sales and deliveries made to and for retail dealers in the county. One copy shall be delivered to the retail dealer at the dime of delivery and one copy shall be retained and preserved by the wholesaler, distributor or manufacturer for a period of 12 months from the date of the sale to the retail dealer. The copy so retained shall be subject to inspection by any duly authorized county representative at all reasonable times.
(Ord. No. 55, 8-15-2003)

Sec. 6-380. Collection and custody.

At any time of delivery of wine, the wholesale dealer, distributor or manufacturer shall collect from the retail dealer the taxes imposed by this division and shall hold the money in trust for the county until the tax is remitted to the county as provided in this division.
(Ord. No. 55, 8-15-2003)

Sec. 6-381. Monthly report.

On or before the 20th day of each calendar month, each wholesale dealer, distributor and/or manufacturer delivering wine to or for any retail dealer or to an establishment having a pouring license shall make a true and correct report to the county clerk on blanks to be furnished by the county clerk of all sales and deliveries made to or for retail dealers in the county for the current month immediately preceding the report. The report shall show the name of each retail dealer, the location of the place of business of the retailer or the place where each delivery was made, the method of delivery, the number and size of each container, the amount collected as taxes and such other information as may be called for by the commissioner. The failure to receive such blanks will not excuse the furnishing of the report and the remittance of the taxes.
(Ord. No. 55, 8-15-2003)

Sec. 6-382. Remittance.

The report required by section 6-381 shall be accompanied by remittance to the county for all taxes collected or due as shown on the report.
(Ord. No. 55, 8-15-2003)

Sec. 6-383. Duties of retail dealers for receipt and preservation of invoices.

All retail dealers of wine and all persons selling wine at retail within the county shall keep a correct record of all purchases of wine and shall demand of and require all persons from whom they purchase wine to furnish and deliver to them, with the wine, a correct invoice of each purchase. The invoice shall be kept and preserved by the retailer at his place of business for a period of 12 months from the date of the purchase. The invoices shall be open and subject to inspection by any authorized county representative at all reasonable times.
(Ord. No. 55, 8-15-2003)

Sec. 6-384. Failure to make reports.

If a wholesaler, distributor or retail dealer of wine fails and refuses to make the reports or maintain records as provided in this division and at the time specified, the director shall notify the party in writing by mail or otherwise. If the reports are not made and the taxes paid within five days from the date of the notice, the director shall proceed to assess the amount of taxes due by the dealer from the best information available, together with ten percent thereof as a penalty, and proceed to collect the taxes and penalty as provided for the collection of delinquent license taxes.
(Ord. No. 55, 8-15-2003)

Sec. 6-385. Sale upon which tax not paid.

It shall be a violation of this article for any person to sell at retail or otherwise within the county any wine on which the tax as set out in this division has not been paid to the wholesaler or distributor for the county as provided or on which the tax not paid to the wholesaler or distributor at the time of delivery is not paid to the county by the retailer.
(Ord. No. 55, 8-15-2003)

Sec. 6-386. Prohibited sales and deliveries.

It shall be unlawful and a violation of this article for any wholesaler, distributor, manufacturer or other person to deliver any wine to any retail dealer in the county or to transport wine into the county for resale by any means whatsoever, except to licensed wholesale distributors, without collecting the taxes thereon as set out in this division at the time of delivery.
(Ord. No. 55, 8-15-2003)

Sec. 6-387. Revocation of license.

Any retail dealer of wine failing or refusing to pay the tax imposed and levied in this division or failing to abide by any of the terms or sections of this article shall be deemed to have forfeited his privileges of conducting or engaging in the business of selling wine in the county, and any license issued to the dealer by the county prior to that time shall be revoked and canceled.
(Ord. No. 55, 8-15-2003)

Chapters 7—9

RESERVED

Chapter 10

AMUSEMENTS AND ENTERTAINMENTS*

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ARTICLE I. IN GENERAL

Secs. 10-1—10-25. Reserved.

ARTICLE II. ADULT ENTERTAINMENT ESTABLISHMENTS*

DIVISION 1. GENERALLY

Sec. 10-26. Purpose.

The purpose of this article is to regulate certain types of businesses, including, but not limited to, adult entertainment establishments, to the end that the many types of criminal activities frequently engendered by such businesses and the adverse effect on the property values and on the public health, safety, and welfare of the county, and on its citizens and property, and on the character of its neighborhoods and development will be curtailed. This article is not intended as a de facto prohibition of legally protected forms of expression. This article is intended to represent a balancing of competing interests: reduced criminal activity and protection of the neighborhoods and developments through the regulation of adult entertainment establishments versus any legally protected rights of adult entertainment establishments and patrons. This article is not intended to allow or license any business, establishment, or activity which would otherwise be unlawful.
(Ord. No. 16, § 1, 5-4-1993)

Sec. 10-27. Definitions.

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

Adult bookstore means a business or establishment to which the public or any portion thereof is permitted, which has as a substantial or significant portion of its stock in trade books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or an establishment with a segment or section comprising 20 percent of its total floor space devoted to the sale or display of such material or 20 percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult business means a business or establishment, excluding any public or private educational institution and any mainstream theater as defined by state law, to which the

*__State law references—__Giving of massages in place used for lewdness, prostitution or masturbation for hire, O.C.G.A. § 16-6-17; nudity and related acts on premises where alcoholic beverages are sold, O.C.G.A. § 3-3-40 et seq.; establishment, maintenance or use of building, structure or place for unlawful sexual purposes, O.C.G.A. § 41-3-1.

public or any portion thereof is permitted which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage thereof either by law or by the operators of such business or an establishment where employees or patrons of such business or establishment expose specified anatomical areas as provided by this article or engage in specified sexual activities.

Adult dancing establishment means a business or establishment, excluding any public or private educational institution or any mainstream theater as defined by state law, to which the public or any portion thereof is permitted that features dancers displaying or exposing specified anatomical areas.

Adult entertainment establishment means premises on which defined establishments operate on which defined activities occur, excluding public libraries, private university libraries, medical supply companies, and any public or private educational institution.

Bath house or massage parlor means a business or establishment, excluding any business establishment operated by or for licensed medical practitioners or healing arts, any hospital, or any public or private educational institution, to which the public or any portion thereof is permitted in which services offered include some form of physical contact between an employee and patron and in which services offered are characterized or distinguished by an emphasis on specified sexual activities or specified anatomical areas as provided by this article.

Erotic entertainment/dance establishments means a business or establishment, excluding any public or private educational institution and any mainstream theater as defined by state law, to which the public or any portion thereof is permitted which features live performances by topless and/or bottomless dancers or entertainers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on the display of specified anatomical areas as provided by this article.

Escort bureau/introduction services means any individual, business or establishment, excluding any public or private educational institution or any service offered to any member, faculty, or student of any educational institution for the purpose of the furtherance of educational studies or any service offered to licensed medical practitioners in the furtherance of medical science, which for a fee, commission, hire, reward, profit or other consideration furnishes or offers to furnish to the public, or any portion thereof, names of persons or who introduces, furnishes or arranges for persons to accompany other persons to social affairs or places of entertainment or amusement or for persons to consort with other persons about any place of public resort or within any private quarters for the primary purpose of engaging in, describing or discussing specified sexual activities or exposing specified anatomical areas as provided by this article.

Church means a place where persons regularly assemble for religious worship.

Conviction means adjudication of guilt, plea of guilty, plea of nolo contendere or the forfeiture of a bond when charged with a crime, but shall not include a discharge under provisions of what is commonly called the state First Offender Act.

Distance and measurement mean the measurement in linear feet from the center of any door to customer entry of the proposed premises of an adult entertainment establishment (or if not on ground level, then the beginning point for measuring the distance shall be the point of ground level determined by measuring from the center of any door of customer entry perpendicular to the ground level) to the nearest property line of any church, library, school, college, public park, residence, or hospital. A radius shall be measured from the center of any door of customer entry of the proposed premises to the nearest property line of any church, library, school, college, public park, residence or hospital.

Employee means any person engaged to provide or in fact providing services for an adult entertainment establishment to patrons on a regular basis whether for legal consideration or otherwise. Entertainers shall be considered an employee for purposes of this article and/or dancers whether independent contractors or any other relationship with the adult entertainment establishment.

Good moral character means a person who has not been convicted of any drug-related crime, any felonious crime, or sex-related crime in the past ten years. A drug-related crime does not include any alcohol-related traffic offense.

Minor means any person who has not attained the age of 18 years.

Park means any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity or agency in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.

Patron means any person who is a customer and/or spectator at any adult entertainment establishment during the hours of operation of the adult business establishment.

Residence means a house, apartment, mobile home, boardinghouse or roominghouse, duplex, or other multifamily housing for human dwelling.

School means state, county, city, church or other schools, public or private, that teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high school learning centers, kindergartens and day care centers for persons of all ages.

Specified anatomical areas include the following:

(1) Less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities includes any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral/anal copulation, bestiality, direct stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship or the use of excretory functions in the context

of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, necrophilia, pederasty, pedophilia, piquerism;

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

(4) Fondling or touching of the human genitals, pubic region, buttocks or female breast;

(5) Sexually oriented torture; or

(6) Masochism, erotic or sexually oriented beating by the infliction of pain whether actual or simulated.

(Ord. No. 16, § 2, 5-4-1993)

Cross reference—Definitions generally, § 1-4.
State law reference—Definitions, O.C.G.A. § 36-60-3.

Sec. 10-28. Violations.

(a) Any person violating the provisions of this article shall be punishable as provided in section 1-19 of this Code.

(b) The violation of the provisions of this article by any person may be enjoined by instituting appropriate proceedings for injunction in any court of competent jurisdiction. Such action may be maintained notwithstanding that other adequate remedies at law exist.

(c) The violation of the provisions of this article may be abated as a nuisance.

(Ord. No. 16, § 18, 5-4-1993)

Sec. 10-29. Compliance.

All nonconforming adult entertainment establishments shall have 120 days from the effective date of this article to come into compliance with all of the terms, requirements, and standards hereof. Any and all such adult entertainment establishments which are not in full compliance with such terms, requirements and standards at the end of such 120-day period shall cease and desist such use and shall no longer operate such facility or facilities.

(Ord. No. 16, § 19, 5-4-1993)

Secs. 10-30—10-55. Reserved.

DIVISION 2. LICENSE

Sec. 10-56. Required.

It shall be unlawful for any person or legal entity to engage in, conduct or carry on, in or upon any premises within the unincorporated area of the county any of the adult

entertainment establishments without a valid license. No license so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the state or the United States.
(Ord. No. 16, §§ 3(a), 5, 6, 5-4-1993)

Sec. 10-57. Application required; applicable fees.

Any person or legal entity desiring to obtain a license to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the director of code enforcement. Concurrent with the submission of such application, a nonrefundable processing fee of $100.00 is required. The annual license fee for any adult entertainment establishment granted licensing by the governing authority shall be $2,500.00. License fees for new license[s] granted during the calendar year shall be prorated for the balance of the days remaining in the calendar year.
(Ord. No. 16, § 7(a), 5-4-1993; Ord. No. 16, Amend. No. 1, 5-1-2007)

Sec. 10-58. Application contents; supporting documents.

(a) *Required information.* The application for a license required by this division shall be written and on forms supplied by the governing authority. Such application shall state the:

(1) Name, address, social security number, and date of birth of the applicants;

(2) Address of the premises where the proposed business is to be located;

(3) Name of the owner of the premises and, if leased, a copy of the lease agreement; and

(4) Nature and character of the business to be carried on.

(b) *Information required if applicant is corporation.* If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names, addresses and social security numbers of each of its current officers and directors. If the applicant is a partnership, whether general or limited, the applicant shall set forth the name, residence address, dates of birth, and social security numbers of the partners. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply.

(c) *When plat required.* A plat, filed in triplicate, by a registered surveyor licensed by the state showing the location of the proposed premises is not inconsistent with the provisions contained in section 10-94 which provide that no adult entertainment establishment shall be located within 1,000 feet of any residential premises or any residential dwelling; within 1,000 feet of any parcel of land upon which a church, school, governmental building simultaneously owned and occupied by such governmental, library, civic center, neighborhood public park or neighborhood playground is located; within 1,000 feet of any parcel upon which another establishment regulated or defined hereunder is located; or within 1,000 feet of any establishment selling alcoholic beverages.

(d) *Persons with financial interest.* The name and address of any and all persons who have a financial interest as shareholder in the entity which is applying for the license.

(e) *Designated agent.* Should the requirements of this article dictate that more than one individual and/or entity apply for and a license issue to such applicants, then all such applicants shall, on such application, designate the name, address, and telephone number of an individual resident of the county to act as agent for all applicants/licensees for the purpose of receiving communications and notices required under this article. Proof of delivery by registered and/or certified mail to such agent shall be conclusive proof of receipt by a licensee of such notice, process or information.

(f) *Submission of mandated information.* All applicants shall furnish all data, information, and records as mandated by this article upon the submission of an application for an adult establishment license.

(g) *Agreement to produce persons with information.* Applicants, by filing an application, agree to produce for oral interrogation any person who is considered as being important in the ascertainment of the facts relative to such license.

(h) *Application required to be complete.* Each application must be complete in its entirety before being accepted by the county for filing and processing.

(i) *Plan and renderings of renovated or improved premises.* All applicants for licenses as to any premises which is to be subsequently renovated or improved shall furnish in triplicate plans and renderings of the premises as it is to exist at the time of opening. The applicant shall comply with all building, health, and similar county codes.

(j) *Verification and acknowledgement of application under oath.* Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:

(1) If the applicant is an individual, the individual;

(2) If by a partnership, by the manager or general partner;

(3) If a corporation, by the president or duly authorized agent of the corporation;

(4) If any other organization or association, by the chief administrative official.

(Ord. No. 16, § 8, 5-4-1993)

Sec. 10-59. Status of application.

The application for license under this division does not authorize the engaging in, operation of, conduct of, or carrying on of any adult entertainment establishment.

(Ord. No. 16, § 7(b), 5-4-1993)

Sec. 10-60. Nature and scope of license.

All licenses herein shall be a mere grant of privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this article and related laws, applicable provisions of this article, and other ordinances and resolutions of the county relating to such businesses.
(Ord. No. 16, § 7(c), 5-4-1993)

Sec. 10-61. Printed declaration.

All licenses issued under this division shall have printed on the front these words: "This license is a mere privilege subject to be suspended and revoked under the provisions of the Ordinances of Murray County."
(Ord. No. 16, § 7(d), 5-4-1993)

Sec. 10-62. Separate license for separate place of business.

A separate license shall be required by this division for each place of business.
(Ord. No. 16, § 7(e), 5-4-1993)

Sec. 10-63. Status of applicant.

(a) Where the applicant for a license under this division is a:

(1) Corporation, any license shall be applied for by and shall be issued to the corporation and either:

a. The majority shareholder thereof; or

b. A person employed full-time in a managing capacity by the corporation;

(2) Partnership, any license shall be applied for by and shall be issued to the partnership and either:

a. The managing general partner thereof; or

b. A person employed full-time in a managing capacity by the partnership;

(3) Sole proprietor, any license shall be applied for by and shall be issued to the sole proprietor if he is working full-time in a managing capacity on the premises, and if not, then to the sole proprietor and a person employed full-time in a managing capacity by the sole proprietor.

(b) For the purposes of this section, the term "managing capacity" shall mean the president or chief executive officer or managing or general partner of a corporation or partnership, or a person who has responsibility for management of the operations at the location to be licensed and who is a full-time employee of the corporation, partnership, proprietor, or other ownership entity.
(Ord. No. 16, § 7(f), 5-4-1993)

Sec. 10-64. Notice of intent to engage in business.

(a) All applicants for licenses hereunder shall give notice that application has been filed and of the purpose of making such application by publication of an advertisement once a week for two consecutive weeks prior to the date of consideration of the application by the county commissioner in the newspaper in which legal advertisements are published. The first advertisement shall not appear more than 30 days prior to the date of such consideration.

(b) The advertisement shall be of type not smaller than ten-point capital and lower case and shall be at least a one-inch column. The advertisements shall appear on the same days as legal advertisements are regularly published.

(c) The notice shall contain a particular description of the location of the proposed business, the name of the applicants, the date, time, and place of hearing, and a statement that any legal objections to the issuance must be made at or prior to the time of hearing, and, if prior to the time of hearing, must be in writing and received by the office of the county building inspector on or before the date and time of hearing.

(d) Applicants shall provide proof of such notice by providing the county commissioner, at the time of the hearing on license issuance, the affidavit of the publisher of the newspaper in which such notice was published, which affidavit shall reflect the content of the notice and the dates of publishing.
(Ord. No. 16, § 9, 5-4-1993)

Sec. 10-65. Investigation; issuance.

The county shall have 60 days to investigate the application and the background of the applicant. If the county commissioner fails to act upon the application request within 60 days, the application is automatically approved for a one-year period. Upon completion of the investigation, the county commissioner shall grant the license within the 60 days of the application if the county commissioner finds:

(1) The required fee has been paid.

(2) The application conforms to the mandates of this article.

(3) The applicant has not knowingly made a material misrepresentation in the application.

(4) The applicant, if an individual, or any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not, during the past ten years, been convicted in a court of competent jurisdiction of an offense involving a sex-related or drug-related crime or any felonies. For the purpose of this article, misdemeanor alcohol-related traffic offenses are not considered drug-related offenses.

(5) The applicant, if an individual, or any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a

partnership, has not, during the past ten years, had an adult entertainment establishment license or other similar license denied or revoked in this county or any other local governmental jurisdiction located in or out of this state prior to the date of application.

(6) The building, structure, equipment, or location of such business, as proposed by applicant, would comply with all applicable distance provisions of this article and would qualify to receive a certificate of occupancy under applicable building and health codes.

(7) The applicant, if a natural person, or if a partnership or corporation, the manager or duly authorized agent, is at least 18 years of age.

(8) That on the date the business for which a license is required herein commences and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open for business.

(9) Notwithstanding the above, no license shall be issued to an applicant if within six months immediately preceding the filing of an application one or more of the following shall have occurred:

a. The same applicant for a license or renewal has been rejected for any location, if such rejection was based upon the applicant's failure to meet the terms of this article applicable to the applicant as opposed to rejection for reasons related to the location itself.

b. The location has been rejected for any applicant.

c. The applicant has withdrawn, without permission of the county building inspector, an application at any time within seven days immediately preceding the time and date set for the hearing before the county commissioner unless at least six months shall have expired from such withdrawal.

The six-month waiting period will not apply where the applicant shall apply for a new location which has not been rejected within the preceding six months, except if the applicant has had an application for another location rejected within the preceding six months because of lack of qualifications of the applicant.

(Ord. No. 16, § 10, 5-4-1993)

Sec. 10-66. License renewal.

License[s] for adult entertainment establishments shall be renewed on a calendar-year basis, provided the licensee continues to meet the requirements and mandates set out in this article. The renewal fee for the adult entertainment establishment license shall be the amount identified as the annual license fee in section 10-57, of this article. Renewal applications shall be submitted by November 15 of each year prior to January 1 of the year for which such license is requested.

(Ord. No. 16, § 11, 5-4-1993; Ord. No. 16, Amend. No. 1A, 5-1-2007)

Sec. 10-67. License nontransferable.

No adult entertainment establishment license may be sold, transferred or assigned by a licensee, or by operation of law, to any other person. Any such sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such license, and such license shall thereafter be null and void, provided and excepting, however, that if the licensee is a partnership or corporation and one or more of the partners or shareholders, as the case may be, should die, one or more of the surviving partners or shareholders who were partners or shareholders at the time of issuance of the license may acquire, by purchase or otherwise, the interest of the deceased partner or shareholder without affecting a surrender or termination of such license. In such case, the licensee shall immediately notify the building inspector. An adult entertainment establishment license issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred, or assigned after the issuance of a license or any stock authorized but not issued at the time of the granting of a license hereunder is thereafter issued and sold, transferred, or assigned.
(Ord. No. 16, § 12, 5-4-1993)

Sec. 10-68. Change of location.

No licensee shall change the location of the establishment without obtaining a new license.
(Ord. No. 16, § 13, 5-4-1993)

Sec. 10-69. Change of name.

No licensee shall advertise, operate, conduct, manage, engage in, or carry on an adult entertainment establishment under any name other than his name and the name of the business as specified on his license.
(Ord. No. 16, § 14, 5-4-1993)

Sec. 10-70. Modification of licensed premises.

After issuance of any license, no change in the location of the building within the premises or customer entry locations shall be made which would affect compliance with any distance requirement of this article.
(Ord. No. 16, § 15, 5-4-1993)

Sec. 10-71. Refusal.

If the county, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this article, it shall so notify the applicant of such decision at the hearing before the county commissioner. Upon refusal of any application by the county commissioner, the applicant may immediately seek judicial review of the

application by any court of competent jurisdiction. Service of process of any review shall be accepted and acknowledged by the county attorney's office of any petition for immediate judicial review.
(Ord. No. 16, § 16, 5-4-1993)

Sec. 10-72. Suspension, probation and revocation.

(a) *For due cause and after reasonable notification.* No license issued hereunder shall be suspended, revoked, or placed on probation except for due cause as herein defined, and after a hearing before the county commissioner following written notice to the holder of such license or his authorized agent of the time, place, and purpose of such hearing addressed to licensee or licensee's authorized agent at the last address provided by licensee or to the address of the premises and a statement of the charge upon which such hearing shall be held, except as hereinafter provided. Five days' notice shall be deemed reasonable notification.

(b) *Determination of due cause.* Due cause for suspension, revocation, or probation of such license shall consist of the violating of any local, state, or federal laws, regulations, or ordinances regulating such business or for any reason which would authorize the refusal to issue or renew such license as provided by this article.

(c) *Procedures and proceedings.* In all hearings pursuant to this section, the following procedures shall prevail, and the proceedings shall be as informal as compatible with justice:

(1) The county commissioner shall read or cause to be read the charges and specifications against the licensee. He shall then read or cause to be read any response filed by the licensee.

(2) The county commissioner shall hear the evidence upon the charges and specifications as filed against the licensee and shall not consider any additional evidence beyond the scope of the charges and may exclude evidence which is purely cumulative.

(3) The order of proof shall be as follows: the county representative shall present his evidence in support of the charges; the licensee shall then present his evidence. Evidence of each party may be supported by submission of pertinent documents. Each party shall be allowed to present pertinent rebuttal evidence.

(4) The licensee and county may be represented by counsel and may present, examine, and cross examine witnesses. Additionally, the county commissioner may interrogate all parties and witnesses to obtain necessary information.

(d) *Mandatory suspensions.* The below-enumerated periods of mandatory maximum suspension shall be imposed and enforced for each violation determined by the county commissioner as follows:

(1) *First offense.* Suspension of license for four months.

(2) *Second offense.* Suspension of license for one year.

(3) *Third offense.* Permanent revocation of license for a period not less than five years.

(e) *Each violation considered separate offense.* For the purpose of this article, each violation shall be considered a separate offense.

(f) *Sufficient delivery.* Delivery of written notice as required herein shall be sufficient if delivered to the holder of such license or his authorized agent or posted in the United States mail with appropriate postage addressed to licensee or licensee's authorized agent at the last address provided for either.

(g) *Removal of signs.* Should any license be revoked or suspended, all signs indicating that such business is conducted on the premises shall be removed from the premises or covered during the period of revocation or suspension.

(h) *Review of county commissioner's action.* The license holder may seek immediate review of the action of the county commissioner suspending or revoking any licenses by any court of competent jurisdiction. Any review by a court of competent jurisdiction shall operate as a stay of suspension or revocation.
(Ord. No. 16, § 17, 5-4-1993)

Secs. 10-73—10-90. Reserved.

DIVISION 3. REGULATIONS

Sec. 10-91. Employment or admission of minors by entertainment licensee.

No adult entertainment licensee shall employ, admit, or permit the admission of minors within a licensed premises.
(Ord. No. 16, § 3(b), 5-4-1993)

Sec. 10-92. Employment of minors by establishment licensee.

No adult entertainment establishment licensee shall employ or contract with any person to provide services or perform in such establishment who is not at least 18 years of age.
(Ord. No. 16, § 3(e), 5-4-1993)

Sec. 10-93. Sales to minor.

No adult entertainment licensee shall sell, barter or give to any minor any service, material, device, or thing sold or offered for sale by an adult entertainment establishment.
(Ord. No. 16, § 3(c), 5-4-1993)

Sec. 10-94. Location restrictions.

No adult entertainment establishment shall be located within the following distances as defined and measured as stated herein:

(1) Within 1,000 feet of any single-family or multifamily residential dwelling.

(2) Within 1,000 feet of a church, school, government-owned or operated building, library, civic center, public park, hospital, or community club.

(3) Within 1,000 feet of another adult entertainment establishment.

(4) Within 1,000 feet of an establishment selling alcoholic beverages which is located within an incorporated municipality under Georgia or Tennessee laws.

Notwithstanding the above, an adult entertainment establishment operating in an unincorporated area of the county on July 6, 1993, shall not be required to meet the distance requirements herein set forth as the same pertain to such location for so long as the licensee holds a legally recognized and perfected property right to use and possess such location as of the date of the filing of an application for an adult entertainment license or renewal thereof, but only if such legal right as to such location was vested as of July 6, 1993, and such vested legal right has continued without the necessity of act or consent to renew, continue, or extend such applicant's property right by applicant or any other party holding a superior legal property right in such location.
(Ord. No. 16, § 3(d), 5-4-1993)

State law reference—Authority of county to regulate location of adult businesses, O.C.G.A. § 36-60-3.

Sec. 10-95. Report of gross receipts.

No later than March 1 of each year an adult entertainment establishment licensee shall file a verified report with the office of the building inspector showing the licensee's gross receipts and amounts paid to employees for the preceding calendar year.
(Ord. No. 16, § 3(f), 5-4-1993)

Sec. 10-96. Retention of employee records.

An adult entertainment establishment licensee shall maintain and retain for a period of two years the names, addresses, ages, and social security numbers of all employees.
(Ord. No. 16, § 3(g), 5-4-1993)

Sec. 10-97. Use of devices or objects.

No adult entertainment establishment licensee shall permit a dancer, entertainer, employee, or patron to use artificial devices or inanimate objects to depict any of the specified sexual activities described in this article in view or presence of any patron.
(Ord. No. 16, § 3(h), 5-4-1993)

Sec. 10-98. Alcoholic beverages prohibited.

No adult entertainment licensee shall permit the use of alcoholic beverages of any kind to be sold, possessed or consumed in or on the premises.
(Ord. No. 16, § 3(i), 5-4-1993)

Cross reference—Alcoholic beverages, ch. 6.

Sec. 10-99. Illegal substances prohibited.

No adult entertainment licensee shall permit the use of illegal drugs or illegally controlled substances of any kind to be allowed, permitted, possessed, or consumed in or on the premises.
(Ord. No. 16, § 3(j), 5-4-1993)

Sec. 10-100. Gambling prohibited.

No adult entertainment establishment shall allow gambling in or on the premises.
(Ord. No. 16, § 3(k), 5-4-1993)

Sec. 10-101. Hours of operation.

An adult entertainment establishment shall be closed between 12:00 midnight and 8:00 a.m. each day and on Christmas Day.
(Ord. No. 16, § 3(l), 5-4-1993)

Sec. 10-102. Unobstructed view of interior.

No booth, screen, partition, or other obstruction shall be permitted within the interior of any adult entertainment establishment so as to prevent a clear view to any area of the establishment which is open for use or view by any patron.
(Ord. No. 16, § 3(m), 5-4-1993)

Sec. 10-103. Interior doors or other connections.

No premises for an adult entertainment establishment shall have any interior connections or doors with any other place of business.
(Ord. No. 16, § 3(n), 5-4-1993)

Secs. 10-104—10-130. Reserved.

DIVISION 4. ADULT DANCING ESTABLISHMENTS

Sec. 10-131. Use of platform required.

All live dancing shall occur on a platform constructed for that purpose which is raised at least two feet from the next highest level of the remainder of the floor.
(Ord. No. 16, § 4(a), 5-4-1993)

Sec. 10-132. Proximity to patrons.

No live dancing or entertaining by a dancer, entertainer, or employee shall occur closer than five feet from any patron.
(Ord. No. 16, § 4(b), 5-4-1993)

Sec. 10-133. Interaction with patrons.

No dancer, entertainer, or employee shall fondle or caress any patron or any other dancer, entertainer, or employee while in the presence or view of another patron, and no patron shall fondle or caress any dancer, entertainer or employee while a patron of the adult dancing establishment.
(Ord. No. 16, § 4(c), 5-4-1993)

Sec. 10-134. Illumination of patrons' areas.

All areas of the licensed premises which are open for use by or view of any patron shall be fully lighted at all times when open for business, which shall mean illumination equal to 3.5 candles per square foot.
(Ord. No. 16, § 4(d), 5-4-1993)

Sec. 10-135. Specified sexual activity prohibited.

No dancer, entertainer, or employee shall perform or simulate any specified sexual activity while in the presence or view of a patron.
(Ord. No. 16, § 4(e), 5-4-1993)

Sec. 10-136. Self-arousal by employees.

No dancer, entertainer, or employee shall engage in actual or simulated genital masturbation or, in the case of females, fondling of the breasts while in the presence or view of a patron.
(Ord. No. 16, § 4(f), 5-4-1993)

Sec. 10-137. Restriction for male employees.

No male dancer, entertainer, or employee shall exhibit an unclothed erect penis in the presence or view of a patron.
(Ord. No. 16, § 4(g), 5-4-1993)

Sec. 10-138. Use of areas for specified sexual activities.

No licensee shall permit the use of any areas of the premises for the performance of any of the specified sexual activities between a patron and any employee or between any patrons.
(Ord. No. 16, § 4(h), 5-4-1993)

Sec. 10-139. Visibility of interior from the exterior of premises.

No adult dance establishment shall be operated such that the activity occurring within interior of the premises is visible from the exterior of the premises by any person.
(Ord. No. 16, § 4(i), 5-4-1993)

Chapters 11—13

RESERVED

Chapter 14

ANIMALS*

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Article III. Dangerous Dog Control

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***Cross references—**Environment, ch. 26; noise control for animals and birds, § 26-33; health and sanitation, ch. 34.

State law references—Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; authority to exercise animal control, Ga. Const. art. IX, § II, ¶ III(a)(3).

Sec. 14-83. Restrictions on permitting dogs to be outside proper enclosure.
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ARTICLE I. IN GENERAL

Secs. 14-1—14-25. Reserved.

ARTICLE II. ANIMAL CONTROL

Sec. 14-26. 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:

Domesticated animal means any animal raised so as to live in close proximity to man. Such animals shall include dogs and cats as well as varieties of poultry, livestock, or reptiles not meant for consumption.

Domesticated animals at large means any domesticated animal not under the restraint of a person capable of controlling it on or off the premises of the owner.

Owner means any person who owns, possesses, harbors, or keeps or knowingly permits an animal to be harbored or kept or has an animal in his care or who permits an animal to remain on or about his premises for more than three days.

Public nuisance means any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to, any animal that:

(1) Is found at large.

(2) Damages the property of anyone other than its owner.

(3) Chases vehicles.

(4) Attacks other domestic animals.

(5) Unprovoked, attacks pedestrians or passersby.

(6) Has been found by an officer of the department of animal control to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

(7) Is found sick, dead, or injured on public property.

Vaccination means a protection against rabies by inoculation with antirabies vaccine given in an amount sufficient to provide immunity from rabies for a minimum of one year. (Ord. No. 36, § I, 12-1-1998; Ord. No. 38, § 1, 4-6-1999)

Cross reference—Definitions generally, § 1-4.

Sec. 14-27. Penalties.

Any owner whose animal is found to be in violation of any of the provisions herein may be cited by an animal control officer or through a sworn complaint alleging any violation by a person who has knowledge of such violation and who can identify the owner of the animal involved or other premises where the animal is located. Any owner found guilty of violating this article shall be fined as provided for in section 1-19.
(Ord. No. 36, § VII, 12-1-1998)

Sec. 14-28. Department of animal control.

(a) There is hereby created the department of animal control, which department shall enforce the provisions of this article.

(b) The animal control shall assume all responsibilities of dangerous dog control as set forth in article III of this chapter.
(Ord. No. 36, § II, 12-1-1998)

State law reference—County authority to assign dog control duties, O.C.G.A. § 4-8-22.

Sec. 14-29. Enforcement contract.

The county commissioner is hereby authorized to negotiate and execute a contract with the board of health of the county to effectuate an identical plan for animal control of the county and further to provide that the department of animal control shall enforce the animal control ordinance in other municipalities within the county, department agent shall be authorized to issue citations for violations of this article.
(Ord. No. 36, § III, 12-1-1998)

Sec. 14-30. Vaccinations.

All dogs and cats within the county must be vaccinated against rabies with the vaccine and in the manner prescribed by the state veterinarian and the board of health of the state. Vaccinated dogs and cats shall be provided with a proper tag. The owner of every dog or cat vaccinated shall obtain from a veterinarian a certificate of such information.
(Ord. No. 36, § IV, 12-1-1998)

State law reference—Power and duty of local governments in the control of rabies, O.C.G.A. § 31-19-1 et seq.

Sec. 14-31. Animals running at large.

It is unlawful for any owner to cause or allow an animal to run at large in or on any public property, vacant lot, or private property without consent of the property owner.
(Ord. No. 36, § V(a)(1), 12-1-1998)

State law references—Livestock running at large, O.C.G.A. § 4-3-1, et seq.; dogs in heat running at large, O.C.G.A. § 4-8-6.

Sec. 14-32. Animals disturbing the peace.

It is unlawful for any person to allow any animal in his possession or control to persistently or continuously bark, howl, or make noise common to their species or otherwise to disturb the peace and quiet of the surrounding neighborhood. It shall likewise be unlawful to keep or maintain such animals in such a manner as to produce noxious or offensive odors or to otherwise endanger the health and welfare of surrounding inhabitants.
(Ord. No. 36, § V(a)(2), 12-1-1998)

Sec. 14-33. Animal control.

No person owning or otherwise having an animal in his care, charge, control, custody, or possession shall cause, permit, or allow such animal to be in or upon any pubic area unless such animal is under restraint by leash or other means. Animals are prohibited in those areas so designated and posted by the county.
(Ord. No. 36, § V(a)(3), 12-1-1998)

Sec. 14-34. Reserved.

Sec. 14-35. Cleanup requirement.

The owner of any animal shall be responsible for the removal of any excreta deposited by such animal on public or private property with the exception of such animals used for transportation on public rights-of-way as outlined under O.C.G.A. § 40-6-4.
(Ord. No. 36, § V(a)(5), 12-1-1998; Amend. of 5-19-2009)

Sec. 14-36. Keeping of sick or diseased animals.

It is unlawful for any person to own any animal which is seriously sick or injured without providing proper veterinary care for such animal. This section shall not be construed to include animals under active veterinary care or veterinary hospitals.
(Ord. No. 36, § V(a)(6), 12-1-1998)

Sec. 14-37. Shelter requirements.

Animals may be confined by a chain so long as it is no less than 12 feet in length and permits the animal to reach shade, shelter, and a supply of fresh water and food. Animals confined by chain or fenced area shall be provided shelter which shall meet the following minimum requirements:

(1) The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury, to contain the animal, and to protect the animal from cold weather and rain.

(2) Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement.

(3) Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleaning to remove excretions and other waste materials, dirt, and trash to minimize health hazards.

(4) When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(Ord. No. 36, § V(a)(7), 12-1-1998)

Sec. 14-38. Cruelty.

It shall be unlawful to abandon any animal or fail to provide it with sufficient, wholesome, and nutritious food and water in sufficient quantities, proper air, shelter space, and protection from the weather. No person shall kill, beat, cruelly treat, torment or otherwise abuse an animal or improperly use chains or restraints less than 12 feet in length.

(Ord. No. 36, § V(b)(1), 12-1-1998)

State law reference—Local authority to adopt ordinances for animal protection, O.C.G.A. § 4-11-18.

Sec. 14-39. Animal fights.

Except for lawful hunting activity, it is unlawful for any person to promote, stage, hold, manage, conduct, carry on, train for, attend, or own any animal for the purpose of participating in any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal.

(Ord. No. 36, § V(b)(2), 12-1-1998)

State law reference—Dog fights, O.C.G.A. § 16-12-37.

Sec. 14-40. Animals in heat.

It shall be unlawful for the owner of any animal to allow the animal to run at large while in heat. Such animals must be confined so as to prevent access by intact males.

(Ord. No. 36, § V(b)(3), 12-1-1998)

State law reference—Dogs in heat running at large, O.C.G.A. § 4-8-6.

Sec. 14-41. Proof of vaccination required.

Any animal requiring vaccination shall wear proper tags evidencing vaccination as defined in section 14-26.

(Ord. No. 36, § V(b)(4), 12-1-1998)

Sec. 14-42. Destruction of property.

No animal shall destroy or damage private or public property.

(Ord. No. 36, § V(b)(5), 12-1-1998)

State law reference—Liability for damage done by dogs, O.C.G.A. § 4-8-4.

Sec. 14-43. Impoundment.

(a) *Length of time prescribed.* Any nonbiting animal seized and impounded under any of the provisions of this article shall be detained for a period of five working days, ten days for biting animals, and if the ownership of the animal is not determined within that period, the animal shall be disposed of in such a manner as the animal control department may designate. Any animal seized that is wearing identification tags shall be kept for five days, ten days for biting animals, and the animal control department shall attempt to notify the owner in writing or by phone if possible.

(b) *Waiver of time for healthy animals.* If at any time during the required waiting period set forth above the owner indicates to the animal control department his intention to not reclaim the animal, the balance of the waiting period shall be waived and the animal shall be disposed of pursuant to this section.

(c) *Waiver of time for sick and threatening animals.* If at any time during the required waiting period, an examination of the animal by the animal control department indicates the animal to be severely sick and/or to be a threat to the health of other animals detained in the impoundment, the balance of the waiting period shall be waived and the animal shall be disposed of pursuant to this section.

(d) *Authority to kill menacing animals.* Nothing in this section shall prevent the animal control department from killing an animal when it determines that it is a menace to public safety or to other animals and cannot be impounded with reasonable effort.

(e) *Certificate for sterilization.* Any animal not heretofore sterilized which is released for purposes of adoption rather than to its owner for redemption shall be required to have a certificate purchased from the animal control department in the nonrefundable amount as set forth by the animal control department. This certificate shall be redeemable by any participating veterinarian in the county once the animal has been sterilized by the veterinarian from the county treasurer for the sum as set forth by the animal control department.

(f) *Seizure and quarantining of animals that have been deemed harmful by the department of animal control.* If an animal has harmed any person to the extent to where the skin is either scratched or punctured, that animal shall be seized and impounded in quarantine for a period of ten working days regardless of the knowledge of the ownership of that animal and the desire of such owner to release up the animal.

(g) *Destruction of animals seized three or more times.* If any animal is seized and/or impounded under any of the provisions of this chapter on three or more occasions, the animal shall be destroyed at the discretion of the animal control department.

(Ord. No. 36, § VI, 12-1-1998; Ord. No. 38, §§ 3, 5, 4-6-1999)

State law references—County livestock pounds, O.C.G.A. § 4-3-11; impoundment of livestock running at large, O.C.G.A. § 4-3-4.

Sec. 14-44. Unlawful interference by third parties.

(a) *Holding animal without consent of owner.* No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal which he does not own for more than 72 hours without first reporting the possession of such animal to the animal control department. This section shall not apply to those nonprofit organizations whose purpose is the protection of animals.

(b) *Causing animals to be in violation of article.* No person shall willfully cause an animal to be in violation of any portion of this article.

(c) *Attack, assault, or interfere with an officer of the animal control department.* It shall be unlawful for any person to attack, assault, or in any way physically or verbally threaten or interfere with an animal control officer in the performance of those duties required to enforce this article.

(d) *Motorist to notify animal control department and render assistance.* Any motor vehicle operator who strikes or runs down any animal shall immediately give notice to the animal control department or appropriate law enforcement agency if unable to identify the owner immediately. If the animal needs veterinarian assistance, the owner shall be responsible for any veterinary bills under the circumstances.

(e) *Cruelty to animals prohibited; defense allowed.* No person shall perform a cruel act on any animal nor shall any person harm, maim, or kill any animal except for the animal control department as provided under section 14-38 or attempt to do so, except that a person may:

(1) Defend his person or property, or the person or property of another, from injury or damage being caused by an animal; or

(2) Kill any animal causing injury or damage to any livestock or poultry.

The method used for killing the animals shall be designed to be as humane as is possible under the circumstances. A person who humanely kills an animal under the circumstances described herein shall incur no liability for such death.
(Ord. No. 36, § VIII, 12-1-1998)

Sec. 14-45. Magistrate jurisdiction.

The magistrate court of the county shall have jurisdiction over all alleged violations of any portion of this article and shall have all powers granted to it which are necessary and incident to the hearing and disposition of the matters brought before the court, such powers to include the authority to issue citations and summons for witnesses. The following persons have standing to file complaints for violations herein:

(1) Animal control officers.

(2) Other law enforcement officers.

(3) Public health officials.

(4) Individuals with personal knowledge of the violation upon filing a sworn complaint with the magistrate court.

(Ord. No. 36, § IX, 12-1-1998)

Sec. 14-46. Trapping.

(a) Upon written request by a resident of the county that a trap is needed to be placed on the resident's property to aid in the seizure of an animal, if the animal control department determines that such request is in the best interest of public safety, the animal control department may provide the resident with a trap for placement on the resident's property. If a trap is provided to the resident requesting a trap, the resident shall deposit a fee as set forth in the schedule of fees and charges on file in the office of the county clerk. The allotted time a resident will be allowed to retain the trap shall be limited until which time the animal is either caught or two weeks, whichever comes first.

(b) The resident shall also agree in writing that after the issuance of a trap and the trap is subsequently stolen, destroyed, unable to be located, or is damaged or misused in any manner, the resident shall be responsible for the replacement of such trap up to but not exceeding $300.00.

(Ord. No. 38, § 4, 12-1-1998)

Sec. 14-47. Sterilization requirement.

Every person who adopts an animal through the animal control department shall be responsible for the sterilization of such animal within the prescribed timeframe as set forth by the animal control department.

Sec. 14-48. Maximum limits.

No person or household shall own, possess, harbor or keep more than ten domesticated animals. An exception, not to exceed 70 days, will be granted for weaning and placement of new litters. No person or household shall be granted more than two exceptions within a 12-month period, unless otherwise exempted or prohibited by state law.

Secs. 14-49—14-75. Reserved.

ARTICLE III. DANGEROUS DOG CONTROL*

Sec. 14-76. Jurisdiction.

This article shall govern the entire county.

(Ord. No. 9, § 1-3, 9-5-1989)

***Cross reference—**Environment, ch. 26.

State law reference—Responsible Dog Ownership Law, O.C.G.A. § 4-8-20 et seq.

Sec. 14-77. 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:

Dangerous dog means any dog that, according to the records of an appropriate authority:

(1) Inflicts a severe injury on a human being without provocation on public or private property at any time after March 31, 1989.

(2) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

Dangerous dog control officer means the director of animal control as selected by the county commissioner to aid in the administration and enforcement of this article. The dangerous dog control officer shall not be authorized to make arrests unless the person is a law enforcement officer having the powers of arrest.

Owner means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm or trust owning, possessing, harboring, keeping, or having custody of a dangerous dog or potentially dangerous dog within this county.

Potentially dangerous dog means any dog that without provocation bites a human being on public or private property at any time after March 31, 1989.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and top, shall be of sufficient height, and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or under the fence. Any such enclosure shall also provide protection from the elements for the dog.

Records means records of any state or county agency; records of any county board of health; records of any federal, state, or local court; or records of the dangerous dog control officer provided for in this article.

(Ord. No. 9, § 1-1, 9-5-1989)

Cross reference—Definitions generally, § 1-4.

Sec. 14-78. Violations; penalties.

(a) Violations of the provisions of this article shall be punished as provided in section 1-19 of this Code.

(b) In addition to any penalties which may be imposed under this section, the dangerous dog involved shall be immediately confiscated by the dangerous dog control officer or by a law enforcement officer or another person authorized by the dangerous dog control officer

and placed in quarantine for the proper length of time as determined by the county board of health, and, thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner.

(c) No owner of a dangerous dog shall be held criminally liable under this article for injuries inflicted by such owner's dog to any human being while on the owner's property.
(Ord. No. 9, § 1-9, 9-5-1989)

Sec. 14-79. Exemption.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous dog or potentially dangerous dog within the meaning of this article. A dog shall not be a dangerous dog or potentially dangerous dog within the meaning of this article if the injury inflicted by the dog was sustained by a person who at the time was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had in the past been reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
(Ord. No. 9, § 1-2, 9-5-1989)

Sec. 14-80. Investigations, notice of classification.

(a) Upon receiving a report of a dangerous dog within a dog control officer's jurisdiction from a law enforcement agency, animal control agency, rabies control officer, or county board of health, the dog control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article.

(b) When the dangerous dog control officer classifies a dog as a dangerous dog or reclassifies a potentially dangerous dog as a dangerous dog, the dangerous dog control officer shall notify the dog's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be complete upon its mailing.
(Ord. No. 9, § 1-4, 9-5-1989)

Sec. 14-81. Procedures for classification; notice; hearing.

(a) As applied to the owners of potentially dangerous dogs, the procedures provided for in this section shall be carried out as a necessary condition for the enforcement of the provisions of this article against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this section shall not be an essential element of any crime provided for in this article.

(b) When a dangerous dog or potentially dangerous dog is classified as such, the dog control officer shall notify the dog's owner of such classification.

(c) The notice to the owner shall meet the following requirements:

(1) The notice shall be in writing and mailed by certified mail to the owner's last known address;

(2) The notice shall include a summary of the dangerous dog control officer's findings that form the basis for the dog's classification as a dangerous dog or potentially dangerous dog;

(3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the dog control officer's determination that the dog is a dangerous dog or potentially dangerous dog;

(4) The notice shall state that the hearing, if requested, shall be before the county commissioner;

(5) The notice shall state that if a hearing is not requested, the dangerous dog control officer's determination that a dog is a dangerous dog or potentially dangerous dog will become effective for all purposes under this article on a date specified in the notice, which shall be after the last day on which the owner has a right to request a hearing; and

(6) The notice shall include a form to request a hearing before the county commissioner and shall provide specific instructions on mailing or delivering such requests to the county commissioner.

(d) When the county commissioner receives a request for a hearing as provided in subsection (c) of this section, he shall schedule such hearing within 30 days after receiving the request. The commissioner shall notify the dog owner in writing by certified mail of the date, time and place of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and in addition thereto, the commissioner shall receive such other evidence and hear such other testimony he may find reasonably necessary to make a determination either to sustain, modify, or overrule the dangerous dog control officer's classification of the dog.

(e) Within ten days after the date of the hearing, the county commissioner shall notify the dog owner in writing by certified mail of his determination on the matter. If such determination is that the dog is a dangerous dog or potentially dangerous dog, the notice shall specify the date upon which that determination is effective.
(Ord. No. 9, § 1-5, 9-5-1989)

Sec. 14-82. Requirements for possession; registration; insurance; notice; enforcement of article.

(a) *Certificate of registration required.* It is unlawful for an owner to have or possess within this county a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with the provisions of this section.

(b) *Evidence of proper confinement and posting of property.* Subject to the additional requirements of subsection (c) of this section for dangerous dogs, the dangerous dog control officer shall issue a certificate of registration to the owner of a dangerous or potentially dangerous dog in this county if the owner presents to the dangerous dog control officer or the dangerous dog control officer finds sufficient evidence of:

(1) A proper enclosure to confine the dangerous dog or potentially dangerous dog; and

(2) The posting on the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the property and containing a symbol designed to inform children of the presence of a dangerous dog. Such sign shall conform substantially to the design provided by the department of natural resources:

a. The sign shall be in the shape of a diamond, similar to a standard highway warning sign, made of 0.08 gauge aluminum sheeting and measuring 12 inches by 12 inches.

b. The circle shall measure 10¾ inches in diameter. The figure of the person shall measure five inches from the top of its finger to the bottom of its feet. The top of the dog's tail to the person's elbow shall measure 6¾ inches. The word "DANGER!" shall measure 1⅛ inches by six inches.

c. The sign shall be in two colors: standard highway yellow and black. The circle, the figures of the person and the dog, and the word "DANGER!" shall be in black. The background and remainder of the sign shall be in yellow.

d. An original sign shall be assigned to the owner at the time of registration of a dangerous dog or potentially dangerous dog. The owner will be charged the full cost for a replacement sign if the original sign is lost, destroyed, or damaged.

(c) *Evidence of insurance or surety bond.* In addition to the requirements of subsection (b) of this section, the owner of a dangerous dog shall present to the dangerous dog control officer evidence of:

(1) A policy of insurance in the amount of at least $15,000.00 issued by an insurer authorized to transact business in this state, insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or

(2) A surety bond in the amount of at least $15,000.00 or more issued by a surety company authorized to transact business in this state payable to any person or persons injured by the dangerous dog.

(d) *When notification of officer required.* The owner of a dangerous dog or potentially dangerous dog shall notify the dangerous dog control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the name, address, and telephone number of the new owner of the dog.

(e) *Notification upon move.* The owner of a dangerous dog or potentially dangerous dog shall notify the dangerous dog control officer if the owner is moving from the dog control officer's jurisdiction.

(f) *Authority to make inquiries; cooperation of law enforcement agencies.* The dog control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Law enforcement agencies shall cooperate with the dangerous dog control officer in enforcing the provisions of this article.

(g) *Annual certificate renewals.* Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, the dog control officer shall require evidence from the owner or make such investigations as may be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article.
(Ord. No. 9, § 1-6, 9-5-1989)

Sec. 14-83. Restrictions on permitting dogs to be outside proper enclosure.

(a) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

(b) It is unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and is under the restraint of a responsible person.
(Ord. No. 9, § 1-7, 9-5-1989)

Sec. 14-84. Confiscation of dog; grounds; disposition.

(a) A dangerous dog shall be immediately confiscated by the dangerous dog control officer or by law enforcement officer or by another person authorized by the dangerous dog control officer if:

(1) The owner of the dog does not secure the liability insurance or bond required by subsection 14-82(c);

(2) The dog is not validly registered as required by section 14-82;

(3) The dog is not maintained in a proper enclosure; or

(4) The dog is outside a proper enclosure in violation of subsection 14-83(a).

(b) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

(1) Not validly registered as required by section 14-82;

(2) Not maintained in the proper enclosure; or

(3) Outside a proper enclosure in violation of subsection 14-83(b).

(c) Any dog that has been confiscated under the provisions of subsection (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. If the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.
(Ord. No. 9, § 1-8, 9-5-1989)

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RESERVED

Chapter 18

BUILDINGS AND BUILDING CONSTRUCTION*

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Secs. 18-66—18-90. Reserved.

Division 3. Attachment "B" Amendments to the Technical Codes

Sec. 18-91. Purpose.
Sec. 18-92. Footings.

***Cross references—**Environment, ch. 26; noise control for construction or repairing of buildings, § 26-38; floods, ch. 30; health and sanitation, ch. 34; manufactured homes, ch. 38; planning and development, ch. 50; roads, ch. 54; solid waste, ch. 58; water, ch. 70; subdivision regulations, app. A; zoning, app. B.

Sec. 18-93. Plumbing.
Sec. 18-94. Lumber.
Secs. 18-95—18-120. Reserved.

Division 4. Attachment "C" Manufactured Homes

Sec. 18-121. Purpose.
Sec. 18-122. Additions.
Sec. 18-123. Removal of damaged homes.
Sec. 18-124. Application of technical codes.
Sec. 18-125. Use restricted.
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Sec. 18-208. General requirements for ground mounted solar energy systems.
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Sec. 18-210. Severability.

ARTICLE I. IN GENERAL

Sec. 18-1. Self-inspection by plumbers, utility contractors.

The county is exempted from the provisions of O.C.G.A. § 8-2-26(d) relating to the self-inspection of certain water and sewer lines, and such provisions shall not be applicable in the county.

Secs. 18-2—18-25. Reserved.

ARTICLE II. CONSTRUCTION CODES*

DIVISION 1. GENERALLY

Sec. 18-26. Adopted.

(a) *Enumeration.* The following codes, the latest edition as adopted and amended by the state department of community affairs, shall be enforced by the county:

(1) Standard Building Code;

(2) Standard Mechanical Code;

(3) Standard Gas Code;

(4) Standard Plumbing Code;

(5) National Electrical Code;

(6) Standard Fire Prevention Code;

(7) CABO One and Two Family Dwelling Code; and

(8) Georgia State Energy Code for Buildings.

(b) *Appendices.* The following appendices of the codes adopted in subsection (a) of this section are hereby adopted by reference as though they were copied fully in this subsection:

(1) Standard Building Code: Appendices C, D, and H;

(2) Standard Mechanical Code: Appendix A;

(3) Standard Gas Code: Appendix;

(4) Standard Plumbing Code: Appendices A, B, C, D, F and J;

(5) Standard Fire Prevention Code: Appendices C and D;

(6) National Electrical Code: Appendix A; and

(7) CABO One and Two Family Dwelling Code: Appendix.

***State law references—**Minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26; authority to adopt codes, Ga. Const. art. IX, § II, ¶ III(a)(12).

(c) *Additional codes.* The latest edition of the following codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:

(1) Standard Housing Code, including chapter 1, Administration and Appendix;

(2) Standard Unsafe Building Abatement Code, including chapter 1, Administration.
(Ord. No. 29, §§ 1, 2, 6-2-1998)

State law references—Construction standards generally, O.C.G.A. § 8-2-1 et seq.; minimum state construction codes, O.C.G.A. § 8-2-25; authority to adopt codes, Ga. Const. art. IX, § II, ¶ III(a)(12); county authority regarding adoption of building codes, O.C.G.A. § 36-13-1; authority to adopt code by reference, O.C.G.A. § 36-13-3.

Sec. 18-27. Compliance.

It shall be unlawful for any person to engage in the construction or erection of any building, whether commercial, business or residential, unless such construction is accomplished in strict compliance with the various construction codes adopted by this article.

Sec. 18-28. Administration.

The procedures set out in the Standard Building Code adopted in this article, chapter 1, Administration, and "Attachment A" (Administration and Enforcement), "Attachment B" (Amendments to the Technical Codes) and "Attachment C" (Manufactured Homes) shall govern the administration and enforcement of the codes adopted by this article. (Ord. No. 29, § 3, 6-2-1998)

Cross reference—Administration, ch. 2.

Sec. 18-29. Enforcement.

When reference is made to the duties of certain officials named in the various construction codes adopted by this article, the appropriate county official shall be deemed to be the responsible official for the enforcement of such codes.
(Ord. No. 29, § 4, 6-2-1998)

Sec. 18-30. Penalty for violation.

(a) Any person violating any provision of the various construction codes adopted by this article shall be punished as provided in section 1-19 of this Code.

(b) A conviction of any provision of the various construction codes adopted by this article shall automatically suspend the business license of the offending contractor. The license may be reinstated by an application to the commissioner upon a showing of good cause.

State law references—Issuance of citations by employees in certain counties for violation of building codes, O.C.G.A. § 36-13-5.1; civil remedies for enforcement of county building codes, O.C.G.A. § 36-13-10; violation of county codes, rules and regulations, O.C.G.A. § 36-13-12.

Sec. 18-31. Permit and inspection fees.

Permit and inspection fees and any other charges imposed or due under the various construction codes adopted by this article shall be as provided in the schedule of fees and charges on file in the office of the county clerk.

State law references—Authority for regulation of fees by code, O.C.G.A. § 36-13-2; county authority to fix fees for permits and inspections, O.C.G.A. § 36-13-6.

Sec. 18-32. Water supply and sewage disposal facilities.

(a) Building permits will not be issued until plans for water supply and sewage disposal have been approved by the county board of health.

(b) Certificates of occupancy will not be issued until the completed water supply and sewage disposal facilities have been approved by the board of health.

State law reference—Regulations for septic tanks or individual sewerage management systems in unincorporated areas, O.C.G.A. § 31-3-5.1.

Secs. 18-33—18-50. Reserved.

DIVISION 2. ATTACHMENT "A" ADMINISTRATION AND ENFORCEMENT*

Sec. 18-51. Appeals.

The county commissioner shall establish a board of appeals.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-52. Fees and qualifications.

The county commissioner shall determine the qualifications of the building inspector and shall determine the prescribed permit fees.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-53. Municipalities.

The building inspector shall, upon resolution duly adopted by the county commissioner, perform the services of building inspector for any municipality located within the boundaries of the county and enforce such codes and or similar codes as may be adopted by any such municipality.
(Ord. No. 29, Attach. A, 6-2-1998)

State law reference—Authority to contract with municipalities for issuance of building permits and enforcement of codes, O.C.G.A. § 36-13-4.

Sec. 18-54. Validity of permit.

The permit holder and or his agent, the owner of the property or premises and/or his agent, or the person doing the work, upon being issued or granted a permit, shall comply

***Cross reference—**Administration, ch. 2.

with the provisions of this article and the codes. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of the codes or of any other ordinance of this jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the codes or ordinances of this jurisdiction shall not be valid. The issuance of a permit based on construction documents and/or other data shall not prevent the building inspector from requiring the correction of errors in the construction documents and other data. The building official/building inspector is also authorized to prevent the occupancy or use of a structure when in violation of this code or any other ordinances of this jurisdiction.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-55. Emergency repairs.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next business day to the building inspector.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-56. Repairs.

Application or notice to the building inspector is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition, or portion thereof; the removal or cutting of any structural beam or load-bearing support; the removal or change of any required means of egress; or the rearrangement of parts of a structure affecting the egress requirements nor shall ordinary repairs, including addition to, alteration of, replacement, or relocation of standpipes; water supply, sewer, drainage, drain leaders, gas, soil, waste, vent, or similar piping; electric wiring; or mechanical or other work affecting public health or general safety.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-57. Noncompliance.

Exemption from the permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the codes or any other laws or ordinances of this jurisdiction. Violation of the provisions or requirements of the codes or this article, including violations of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a misdemeanor. Any person who violates a provision of the codes adopted by this article or who fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in section 1-19 of this Code, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking such other lawful actions as is necessary to prevent or remedy any violation.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-58. Notice of noncompliance.

The notice of violation shall state the nature of the violation or provision of the construction codes or this chapter which have not been complied with and the date upon which such violation will be corrected. Such date will be determined by the appropriate county official based on the nature and extent of the violation, but shall not exceed 30 days from date of notice. Such notice shall be in writing and shall be given to the permit holder or his agent, the owner of the property or premises or his agent, or to the person doing the work.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-59. Procedure for noncompliance.

The jurisdiction for action brought pursuant to this division shall be the county magistrate court. Actions may be brought by citation or by accusation. In the case of citation, the appropriate county official shall issue a citation requiring appearance of the violator in the county magistrate court.

(1) In the case of accusation, upon written notification from the building inspector of violation or noncompliance, the attorney designated by the county commissioner shall be the prosecuting attorney in cases tried upon accusation in the county magistrate court.

(2) In cases of noncompliance or violation of this chapter or the technical codes, the building inspector, or any other appropriate county authority or any person who would be damaged by such violation or noncompliance, in addition to the remedies contained herein, may seek injunctive, mandamus, or other appropriate relief to prevent or correct the violation.

(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-60. Unlawful acts.

It shall be unlawful for any person to erect, construct, alter, repair, move, demolish, or occupy any building, structure, or equipment regulated by the codes or this chapter or cause same to be done in conflict with or in violation of any of the provisions of the technical codes or this chapter.

For violation of any part of section 18-60, the following penalty shall be imposed:

(1) For the offense of a violation of any provision of this section, the violator shall be issued a citation to appear in the county magistrate court and, upon conviction, shall be subject to a mandatory fine of not less than $600.00 and no more than $1,000.00 or confinement in the county jail not to exceed 60 days as per state law or by both fine and confinement in the discretion of the court.

(Ord. No. 29, Attach. A, 6-2-1998; Amend. of 10-1-2013)

Sec. 18-61. Unlawful continuance.

Any person who shall continue any work regulated by these codes or this article after having been served with a stop work order, except such work as that person is directed to perform to remove or correct a violation or unsafe condition, shall be subject to the penalties as prescribed in section 18-30.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-62. Preliminary inspection.

Before issuing a permit, the building inspector is authorized to examine or cause to be examined buildings, structures, and sites for which an application has been filed.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-63. Inspections.

Construction or work for which a permit is required shall be subject to inspection by the building inspector and construction or work shall remain accessible and exposed for inspection until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the codes or of other ordinances of the county. Inspections presuming to give authority to violate or cancel the provisions of the codes or of other ordinances of the county shall not be valid. Work shall be conducted, installed, and completed in a workmanlike and acceptable manner so as to secure the results intended by the codes and or this article. It shall be the duty of the permit applicant/permit holder or his agent to cause the work to remain accessible and exposed for inspection purposes. Neither the code official/building official/building inspector, his employee, nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-64. Inspection request.

It shall be the duty of the person doing the work authorized by a permit to notify the permit holder or his agent that such work is ready for inspection. It shall be the duty of the permit holder or his agent to notify the building inspector that such work is ready for inspection. It shall be the duty of the person requesting the inspection to provide access to and means for inspection of such work.
(Ord. No. 29, Attach. A, 6-2-1998)

Sec. 18-65. Limitations on authority.

An application for appeal shall be based on a claim that the true intent of the codes or this article have been incorrectly interpreted, the provisions of the codes do not fully apply, or an equally good or better form of construction is proposed. On or after October 1, 1991, the State

Minimum Standard Codes being mandatory minimum state law governing construction within the boundaries of the state, the appeals board shall have no authority to waive requirements of the minimum standard codes.
(Ord. No. 29, Attach. A, 6-2-1998)

Secs. 18-66—18-90. Reserved.

DIVISION 3. ATTACHMENT "B" AMENDMENTS TO THE TECHNICAL CODES

Sec. 18-91. Purpose.

The purpose of this division is to provide for the local amendments to the technical codes. These requirements shall be followed in addition to those included in the technical codes.
(Ord. No. 29, Attach. B, 6-2-1998)

State law reference—Local authority to amend building codes, O.C.G.A. § 36-13-1.

Sec. 18-92. Footings.

All footings of basements and multiple-storied structures shall meet the following requirements, and footings for other structures may be required to meet the following requirements at the discretion of the building inspector based on soil type and job site conditions:

(1) There shall be included in footings rebar reinforcement.

(2) When rebar is required, the installation of rebar shall meet the following minimum requirements:

   a. There shall be two runs of one-half inch (#4), minimum, steel rebar.

   b. The rebar shall be evenly spaced horizontally and elevated off the floor of the footing a minimum of 2½ inches and have a minimum of 2½ inches of concrete between the rebar and earth and shall meet American Concrete Institute (ACI) Standard 318.

   c. The rebar must run continuously through all footings in which rebar is required, including any step-downs and corners.

   d. Where it is necessary to piece rebar, it shall overlap a minimum of 12 inches.

   e. All rebar shall be tied with steel wire.

   f. Rebar shall be installed in a neat and workmanlike manner.

   g. All grade stakes shall be of metal material nonreactive to concrete.

   h. All trenches for footings must be cleared of all roots, stumps, loose dirt, and other foreign matter.

   i. Foundations with a crawl space shall be a minimum of 28 inches above grade measured from the interior of the crawl space.

(Ord. No. 29, Attach. B, 6-2-1998)

Sec. 18-93. Plumbing.

(a) No polybutylene piping shall be used.

(b) An antisiphon device (backflow preventor) shall be installed on the water service pipe on the customer side of the water meter or well in a separate enclosure. The main shutoff valve shall be located in the enclosure. When water heaters or hot water storage tanks are installed in areas where the construction materials around the tank or heater are susceptible to water damage, the tank or heater shall rest in a safety pan. Water heaters installed in residential occupancies shall be sized in accordance with Table 504 of the 1994 edition of the Standard Plumbing Code.
(Ord. No. 29, Attach. B, 6-2-1998)

Sec. 18-94. Lumber.

The minimum grade of lumber which shall be allowed is number 2 grade, except that studs may be a minimum of number 3 grade, standard or stud grade lumber. When placed on 16-inch centers, utility grade studs may be used in nonload-bearing partitions and walls.
(Ord. No. 29, Attach. B, 6-2-1998)

Secs. 18-95—18-120. Reserved.

DIVISION 4. ATTACHMENT "C" MANUFACTURED HOMES*

Sec. 18-121. Purpose.

The purpose of this division is to provide for additions and alterations to manufactured homes.
(Ord. No. 29, Attach. C, § A, 6-2-1998)

State law reference—The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130, et seq.

Sec. 18-122. Additions.

Permanent additions may be built onto or become a part of any mobile/manufactured home unit and may include porches, carports, decks, and additional living space prescribed by the technical codes and with proper permits. However, in no case shall one or more mobile/manufactured homes be attached to an existing mobile/manufactured home as a temporary or permanent addition.
(Ord. No. 29, Attach. C, § B, 6-2-1998)

State law reference—Certain alterations, changes or modifications prohibited, O.C.G.A. § 8-2-138.

***Cross reference—**Manufactured homes, ch. 38.

Sec. 18-123. Removal of damaged homes.

Any mobile/manufactured home which is damaged beyond repair, as determined by the building inspector, fire inspector, or the code enforcement department of Murray County, by fire, natural disaster, or manmade disaster shall be removed and disposed of by the owner within 90 days after such damage occurred. An extension of time not to exceed an additional 90 days may be approved by the appropriate county official upon a showing of good cause for such extension. Any such structure not removed and disposed of during such time shall constitute a nuisance per se.
(Ord. No. 29, Attach. C, § C, 6-2-1998)

Sec. 18-124. Application of technical codes.

Conventional housing "moved on-site" and modular houses shall be subject to meeting the technical codes and any other applicable local ordinances. Modular homes shall be defined as a structure in which the major components are manufactured in a factory and transported to the site where final assembly takes place. Modular homes are constructed on permanent foundations as a site-built home would be.
(Ord. No. 29, Attach. C, § D, 6-2-1998)

Sec. 18-125. Use restricted.

No mobile/manufactured home shall be used for any purpose other than as a dwelling unit, except in commercial applications when the unit has been manufactured specifically for that commercial purpose (i.e., office trailer on construction site).
(Ord. No. 29, Attach. C, § E, 6-2-1998)

Secs. 18-126—18-150. Reserved.

ARTICLE III. FLOW-RATE RESTRICTIONS ON PLUMBING FIXTURES*

Sec. 18-151. Purpose of article.

It is the purpose of this article to:

(1) Require the use of ultra-low-flow plumbing fixtures in all new construction or when replacing plumbing fixtures during renovation or remodeling of existing buildings;

(2) Require the certification of plumbing fixtures regarding flow rates and serviceability standards;

(3) Promote compliance with state laws for the purpose of conserving water;

(4) Maintain the integrity of drinking water supplies; and

(5) Reduce wastewater flows.

***State law references—**Flow-rate restrictions on plumbing fixtures, O.C.G.A. § 8-2-3; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

Sec. 18-152. 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:

Commercial building means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable or obsolete faucet, showerhead, toilet or urinal in an existing building.

Plumbing fixtures means any toilet, urinal, showerhead, bathroom, lavatory and kitchen faucet and replacement aerators.

Residential building means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

Toilet means any fixture consisting of a water-flushed bowl with a seat, used for the disposal of human waste.

Urinal means any fixture consisting of a water-flushed bowl used for the disposal of human waste.

(Ord. No. 14, § 1, 2-28-1992)

Cross reference—Definitions generally, § 1-4.

Sec. 18-153. Standards for fixtures.

No plumbing fixture shall be installed which does not meet the standards listed in this section or the state plumbing code, whichever is stricter. This includes all plumbing fixtures installed in newly constructed buildings or when replacing plumbing fixtures during remodeling or renovation of existing buildings, except as noted in section 18-155. The effective date of this requirement for residential buildings shall be April 1, 1992, and for commercial buildings the effective date shall be July 1, 1992.

(1) All plumbing fixtures installed as referred to in this section shall not exceed the following maximum water use rates:

a.	Toilets	1.6 gallons per flush
b.	Urinals	1.0 gallon per flush
c.	Showerheads	2.5 gallons per minute at 60 psi gauge pressure
d.	Kitchen faucets	2.5 gallons per minute
e.	Bathroom and lavatory faucets	2.0 gallons per minute

(2) The flow restriction device in a showerhead must be a permanent and integral part of the showerhead and must not be removable to allow flow rates in excess of that stated in subsection (1) of this section.

(3) Lavatory faucets located in restrooms intended for use by the general public shall be of the metering or self-closing type, in addition to the flow requirement listed in subsection (1) of this section.

(4) The flow rates for all showerheads, kitchen, bathroom, and lavatory faucets shall be determined in accordance with ANSI/ASME A112.18.1M-1989 Plumbing Fixture Fittings, as amended; except that maximum flow rates may not exceed those given in subsection (1) of this section.

(5) All toilets and urinals shall be certified to meet the hydraulic performance standards for low-consumption water closets specified in ANSI/ASME A112.19.2-1990 Vitreous China Plumbing Fixtures, as amended, and ANSI/ASME A112.19.6-1990 Hydraulic Requirements for Water Closets and Urinals, as amended.

(Ord. No. 14, § 2, 2-28-1992)

Sec. 18-154. Product certification.

The manufacturer shall certify compliance with the standards in section 18-153 by labeling the fixture and packaging as described in this section and providing, upon request, appropriate certification by an independent national testing organization acceptable to the county building official. Effective April 1, 1992, all toilets, urinals, showerheads, or faucets shall be clearly labeled to indicate the maximum flow rate or water usage of the fixture at the specified test pressure. Toilets and urinals shall additionally be labeled ASME A112.19.2M, as prescribed in section 8 of such standard. The label shall be affixed to the fixture and remain there until the proper building and/or plumbing inspections have been conducted. Also, the packaging must be clearly marked to identify water use rates when offered for retail.

(Ord. No. 14, § 4, 2-28-1992)

Sec. 18-155. Exceptions.

Permission for the exceptions listed in this section must be obtained from the building official. New construction and the repair or renovation of an existing building may be exempt from the standards of section 18-153 for the following:

(1) Showers and faucets installed for safety purposes, such as emergency eye wash stations, etc.

(2) Plumbing fixtures specifically designed for the physically handicapped.

(3) Fixtures specifically designed to withstand unusual abuse or for installation in a correctional institution which may require more water for proper operation.

(4) Instances of building renovation where significant plumbing modifications would be required to accommodate the lower flows or for specialized purposes that cannot be accommodated by existing technology.

(Ord. No. 14, § 5, 2-28-1992)

Sec. 18-156. Enforcement; penalty for violation of article.

Citations for violations of this article may be issued by the building official or his authorized representative. Any person violating this article shall be tried before the magistrate court. Upon conviction, such person found guilty of a violation of this article shall be punished as provided in section 1-19.
(Ord. No. 14, § 6, 2-28-1992)

Secs. 18-157—18-175. Reserved.

ARTICLE IV. TELECOMMUNICATIONS ANTENNAS AND TOWER STANDARDS*

Sec. 18-176. Purposes.

The purposes of this article shall be to:

(1) Provide for the appropriate location and development of tower facilities in such locations which promote public safety and general welfare and serve the residents and businesses of the county, while complying with state law.

(2) Promote tower safety through proper engineering and siting.

(3) Promote and maximize the shared-use or collocation of new and existing towers.

(4) Encourage the use of existing structures for antenna locations as an alternative to the development of additional single use towers.

(5) Accommodate the increased demand for tower facility development.

(6) Ensure that towers and telecommunications facilities are compatible with surrounding land use.

(Ord. No. 45, § 1.1, 4-10-2001)

Sec. 18-177. 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:

Alternative tower structures means manmade structures such as clock towers, bell towers, church steeples, water towers, light poles, manmade trees, existing conforming towers, warehouses, factories, commercial buildings, multifamily buildings 50 feet or more in height and public structures such as police and fire stations, libraries, community centers, civic centers, utilities structures, elevated roadways, bridges, flag poles, schools and hospitals and other structures which can, from the stand point of structural integrity and engineering safety, be used for the mounting of an antenna or serving a similar function as a tower.

*__Cross reference—__Zoning, app. B.

Antenna means any exterior apparatus designed for wireless communication, radio, or television communications through the sending and/or through the sending and/or receiving of electromagnetic waves.

Erected includes the words "constructed," "located," or "relocated."

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Guy tower means a tower supported, in whole or in part, by guy wires and ground anchors.

Height means the vertical distance of any tower as measured from the bottom of the base of the tower at ground level to the highest point of such tower.

Lattice tower means a telecommunications tower having open-framed supports on three or four sides and constructed without guy wires and ground anchors.

Monopole tower means a telecommunications tower constructed of a single pole without guy wires or ground anchors.

Parcel includes the word "plot" or "lot".

Preexisting towers and antennas means any conforming, preexisting tower or antenna for which a permit has been properly issued. Any nonconforming, preexisting tower or antenna which sustains a casualty equaling 50 percent or more of its value shall not be reconstructed or moored unless otherwise in conformity with this article.

Tower means any vertical structure which is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. This general term includes radio, television, microwave, common carrier, P.C.S., analog digital, cellular telephone, alternative tower structures and the like.

Used or *occupied* includes the words "intended, arranged or designed to be used or occupied."

(Ord. No. 45, § 1.2, 4-10-2001)

Cross reference—Definitions generally, § 1-4.

Sec. 18-178. Location and construction requirements.

The location and construction of towers governed by this article shall comply with the following requirements:

(1) *Construction / inspections.* Towers shall be constructed and maintained in compliance with applicable building codes, industry standards, and standards for towers published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct and be solely responsible for periodic written inspections of such towers at least every 12 months to ensure structural integrity. Such inspections shall be conducted by a structural engineer with a current license issued

by the state. The results of such inspection shall be submitted to the building inspector and shall be maintained by the tower owner and available for public review upon request.

(2) *Bringing tower into compliance or removal.* If upon a review of the results of such inspections or upon physical inspection the building inspector concludes that a tower fails to comply with such codes and standards and poses a danger to persons or property, then, upon written notice thereof to the owner, the owner shall have 30 days to bring such tower into compliance. Should the owner fail to bring the tower into compliance within 30 days, the county may remove such tower at the owners expense pursuant to O.C.G.A. §§ 41-2-8—41-2-12

(3) *Regulatory compliance.* Tower owners shall provide documentation showing each tower is in compliance with standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennae. Such evidence of compliance shall be submitted to the building inspector every 12 months. If such standards and regulations are changed, then the owners of towers and antennas governed by this article shall bring such towers or antennas into compliance with such revised standards and regulations unless a different compliance is mandated by the controlling agency.

(4) *Security fencing/anticlimbing devices.* All towers and supporting equipment shall be enclosed by fencing not less than six feet in height and shall also be equipped with appropriate anticlimbing devices. Fencing shall be of chain link, wood, or other approved alternative.

(5) *Advertising.* Except for the owner's identifying name plate, including emergency telephone number to be located upon the gate or security fence surrounding the tower base, advertising on towers shall be prohibited.

(6) *Access.* Access for maintenance vehicles shall be the right-of-way which would most minimize interference with public traffic. Proposed sites which lack frontage on a public or private road shall provide an easement at least 25 feet wide with at least 12 feet graveled or paved travel way.

(7) *Hazardous volatile substances.* Use of a lot by a tower shall be prohibited when another principal use, on the same lot, includes the storage, distribution, or sale of volatile, flammable, explosive, or hazardous material such as propane, gasoline, natural gas, dangerous chemicals, or hazardous waste when such materials are not part of an emergency power source for the tower facilities.

(8) *Maintenance/operation structures.* Maintenance/operation structures adjacent to any tower facility area shall be used only to house equipment and other supplies directly in support of the tower. Such structures shall not be used for offices, vehicle storage, or for any continuous human occupation. Any equipment not used in direct support of a tower shall not be stored on the site.

(Ord. No. 45, §§ 1.3.1—1.3.3, 1.4—1.8, 4-10-2001)

State law reference—Power of county to regulate installation and construction of towers, O.C.G.A. § 32-4-42.

Sec. 18-179. Historical sites.

Tower facilities shall not be attached to or mounted to historically significant buildings, structures, or places identified by placement upon the National Register of Historic Places, designation as an historical site, by designation by the Whitfield/Murray County Historical Society as a historic site, or as part of a locally designated historic district.
(Ord. No. 45, § 1.9, 4-10-2001)

Sec. 18-180. Setbacks and separations.

All towers shall comply with the following standards, except that existing alternative tower structures are exempt from the minimum setback and separation requirements of this section; provided, however, that such alternative tower structure must be a conforming use within the district in which it is located for this setback exemption to apply as of right:

(1) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located:

a. All towers shall set back at least a distance equal to the height of the tower plus 15 feet or 200 total feet, whichever is less, from any private or public property, regardless of whether such distance shall cross any public or private right-of-way or roadway.

b. All towers shall set back at least 750 feet from any residential dwelling.

(2) Proposed towers must meet the following minimum separation requirements from existing tower or towers which have a development permit at the time a development permit is granted pursuant to this article:

a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of 750 feet.

b. Self-supporting lattice or guyed tower structure shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

c. Self-supporting lattice or guyed structures shall be separated from all monopole towers by a minimum of 750 feet

(Ord. No. 45, § 1.11, 4-10-2001)

Sec. 18-181. Buffers and screening.

(a) Tower sites shall be landscaped with a buffer of plant material such that the view of the base of the tower and security fence is screened from any view.

(b) In locations where visual impact of the tower would be minimal, this landscaping requirement may be reduced or waived altogether by the building inspector upon specific findings by the building inspector.

(c) Existing mature growth and natural land formation on the site shall be preserved to the maximum extent possible. In such cases such as towers sited upon large, wooded lots, natural growth around the perimeter of the property may be sufficient if so determined by the building inspector.
(Ord. No. 45, § 1.11, 4-10-2001)

Sec. 18-182. Tower lighting.

Illumination is prohibited on towers, except where required by the FCC or FAA as necessary for air traffic safety. When illumination is required, documentation shall be provided to the building inspector identifying the type of illumination required and any available alternatives. The building inspector may review alternative permissible illumination and may approve the design causing the least disturbance to the surrounding uses and views. Provided further, that the lighting on such antennas shall be dimmed or changed to red lights from sunset to sunrise
(Ord. No. 45, § 1.12, 4-10-2001)

Sec. 18-183. Maintenance.

(a) *Care and methods for preventing failure.* Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain and use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisance to the public.

(b) *Compliance with requirements.* Tower owners shall install and main towers, telecommunication facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

(c) *Maintained so as not to become menaces.* All towers, telecommunication facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(d) *By whom performed.* All maintenance or construction of towers, telecommunication facilities, or antenna support structures shall be performed by licensed maintenance and construction personnel.
(Ord. No. 45, § 1.13, 4-10-2001)

State law reference—Authority of county to regulate maintenance of towers, O.C.G.A. § 32-4-42.

Sec. 18-184. Application procedures.

Applications for a permit for any tower, telecommunications facility, or use as an alternative tower structure shall first be made to the building inspector. Incomplete application shall not be considered. A complete application shall contain the following:

(1) Inventory of applicant's existing towers, including the specific locations, heights, and design of each such tower.

(2) A description of the proposed tower's area of service.

(3) A site plan or plans to scale specifying the proposed location and dimensions of towers as well as of maintenance/operation buildings or uses, access, parking, fences, landscaping, and plans for existing and adjacent land uses.

(4) A site plan for an alternative tower structure shall show adjacent rights-of-way, buildings and structures, including the structure's height and dimensions, proposed antenna location on the structure or building and adjacent land uses.

(5) A report from a professional engineer, currently licensed in the state, documenting the following:

a. Tower heights and design, including technical, engineering, economic and other pertinent factors governing the proposed tower design.

b. Total anticipated capacity of the structure, including number and types of antennae which can be accommodated.

c. Evidence of structural integrity of the tower structure.

d. Failure characteristics of the tower and demonstration that the site, setbacks, and separation from other uses are of adequate size or distance to protect the safety of the general public and of all nearby landowners.

(6) A written statement from the owner of the tower certifying that the proposed tower site complies with regulations administered by the FAA and FCC or stating that the tower is exempt from these regulations.

(7) Any additional information which may be reasonably requested by the building inspector, planning commission, or county commissioner in order to evaluate fully and to review the proposed tower site and the potential impact of a proposed tower and/or antenna.

(Ord. No. 45, § 1.14, 4-10-2001)

Sec. 18-185. Application and permit fees.

Fees shall be $5,000.00 for initial tower permit and $750.00 to co-locate.

(Ord. No. 45, § 1.15, 4-10-2001; Ord. No. 45, Amend. No. 1, 5-3-2005; Ord. No. 45, Amend. No. 2, 5-1-2007)

State law reference—County authority to regulate and permit tower installations, O.C.G.A. § 32-4-42.

Sec. 18-186. Removal of abandoned towers and antennas.

(a) *Notice of abandoned antennas and structures.* The owner or lessee of a tower or antenna shall promptly notify the department of intent to abandon or the abandonment of any tower or antenna.

(b) *Removal of abandoned antennas and towers.* Any tower or antenna that is not operated for a continuous period exceeding 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the structure within 90 days of such abandonment. If such tower or antenna is not removed within such 90 days, the governing authority may take such action as may be deemed necessary to remove, or cause to be removed, such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease utilizing the tower.
(Ord. No. 45, § 1.16, 4-10-2001)

Sec. 18-187. Amateur radio, receive-only antennas.

This article shall not govern a tower, or the installation of any antenna, that is 75 feet or less in height and is owned and operated by a federally licensed amateur radio station operator from the operator's residence or is used exclusively as a receive-only antenna; provided, however, only one such tower or antenna per residence shall be excluded from this article.
(Ord. No. 45, § 1.17, 4-10-2001)

Sec. 18-188. Collocation; availability of suitable existing structures.

No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the department and governing authority that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriately licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

(1) No existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structure or the antenna on the existing tower or structure would cause interference with the applicant's proposed antenna.

(5) The cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing exceed the cost of new tower development.

(6) The applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable, other than economic reasons.

(Ord. No. 45, § 1.18, 4-10-2001)

Secs. 18-189—18-204. Reserved.

ARTICLE V. SOLAR ENERGY SYSTEMS

Sec. 18-205. Purpose and intent.

The purpose of this section is to facilitate the siting, construction, installation, operation, maintenance, and decommissioning of solar energy systems ("SESs") in Murray County in a manner that encourages local economic development and protects the health, safety, and welfare of the citizens of Murray County, and at the same time mitigates any adverse impacts to wildlife, agricultural lands, forests, and other natural landscapes. The intent of Murray County is to increase energy security and diversify the energy portfolio, to promote the use of Georgia-based energy resources, to decrease the cost of energy, to bolster local economic development and employment prospects, to increase consumers' choices in energy consumption, to encourage the use of a renewable energy resource, to support Georgia's sustainability agenda, and to reduce air and water pollution. The intent of Murray County is not to compromise or contradict the safety, health, or environmental requirements contained in other federal, state, and local laws and regulations.

(Amend. of 11-6-2018(2))

Sec. 18-206. Applicability.

(a) This section applies to the siting, construction, installation, operation, maintenance, and decommissioning of any new SES within the jurisdiction of Murray County.

(b) Any SES that, prior to the effective date of this ordinance [from which this chapter derives], (1) is currently in operation, (2) has received approval from Murray County to operate, or (3) is being constructed, if no such approval was required, shall be exempt from complying with this ordinance [from which this chapter derives], unless:

(1) The acreage of land occupied by the SES is increased by more than ten percent; or

(2) More than ten percent of the solar panels on the SES are replaced.

(c) Unless otherwise expressly stated herein, an SES shall still comply with all applicable federal, state, and local laws and regulations, including the requirements of the Murray County Zoning Ordinance.

(Amend. of 11-6-2018(2))

Sec. 18-207. 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:]

Building-integrated solar energy system means an SES where solar materials are used in place of traditional building components such that the SES is structurally an integral part of a house, building, or other structure, for example as a building facade, skylight, or shingles.

Ground mounted solar energy system means an SES that is structurally mounted to the ground. For purposes of this chapter, the acreage of land occupied by a ground mounted solar energy system is calculated by drawing a perimeter around the outermost SES solar panels and auxiliary structures. Substations and transmission lines outside this perimeter shall not be included in the calculation.

Intermediate scale ground mounted solar energy system (intermediate scale SES) means a ground mounted SES that occupies between three and 15 acres.

Large scale ground mounted solar energy system (large scale SES) means a ground mounted SES that occupies more than 15 acres.

Ordinance means this solar ordinance.

Permit means any permit required by federal, state, or local law or regulation, including this chapter.

Rooftop solar energy system means an SES that is structurally mounted to the roof of a house, building, or other structure.

Small scale ground mounted solar energy system (small scale SES) means a ground mounted SES that occupies less than three acres.

Solar energy system (SES) means a device or structural design feature that provides for the collection, storage, and distribution of solar energy for electricity generation and for the purposes of this chapter, refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling. SES as used in this chapter excludes concentrated solar systems that use mirrors to focus the energy from the sun to create thermal energy that can be used to produce electricity.

Visual buffer means natural vegetation, plantings, earth berms, and/or decorative fencing that provide a visual and lighting barrier between an SES and a residential property. The visual buffer is not part of the SES and shall not be included when (1) calculating the acreage of land occupied by the SES, or (2) determining whether the SES adheres to applicable setback requirements.

Zoning authority means the Murray County Land Use Planning Commission, as determined by local ordinance and appeal procedures.
(Amend. of 11-6-2018(2))

Sec. 18-208. General requirements for ground mounted solar energy systems.

The following requirements apply to all small, intermediate, and large-scale ground mounted SESs, in addition to the specific requirements in this chapter that apply to each SES size respectively:

(1) *Solar access.* A property owner may obtain a solar easement from another property owner for the purpose of ensuring the ground mounted SES adequate exposure to sunlight.

(2) *Setbacks.* Ground mounted SES shall be located no closer than the setback standards for the underlying zoning district in which the SES is located.

(3) *Height.* A rooftop SES mounted on a flat roof shall be given an equivalent exemption to the underlying zoning district's height standards as roof-mounted mechanical devices or equipment. A rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

(4) *Visual buffers.*

a. Small ground mounted SES shall require a Type A buffer as outlined under appendix B, article VII of the Code of Murray County.

b. Intermediate and large-scale ground mounted SES shall require a Type B buffer as outlined under appendix B, article VII of the Code of Murray County.

c. All visual buffers shall be in place at the time the SES commences operation.

(5) *Lighting.* To reduce light pollution, lighting of a ground mounted SES shall:

a. Be limited to the minimum reasonably necessary for its safe operation;

b. Be directed downward where reasonably feasible;

c. Incorporate full cut-off fixtures; and

d. Reasonably utilize motion sensors.

(6) *Maintenance.* A ground mounted SES shall be maintained in good working order.

(7) *Abandonment.* A ground mounted SES shall be considered abandoned if it ceases to produce energy on a continuous basis for more than 12 months without prior approval from the governing authority.

(8) *Decommissioning.* If a ground mounted SES has reached the end of its reasonable life or it is abandoned, then:

a. A small-scale SES and all structures associated with it shall be removed and all materials shall be recycled or otherwise reused to the extent reasonably practicable; and

b. An intermediate or large-scale SES shall be decommissioned in accordance with the decommissioning plan in the permit application (see section 18-209(5).

(9) *Signage.* For intermediate and large-scale SES:

a. Shall have warning signs (a) displaying the dangers associated with a SES, (b) identifying the owner or operator of the SES, and (c) providing a 24-hour emergency contact phone number;

b. May have signs that contain educational information about the SES; and

c. Shall not have signs used for displaying any advertisement except for reasonable identification of the manufacturer or operator of the SES.

(10) *Electrical connection.*

a. If the SES is connected to the public grid, then reasonable efforts shall be made to place underground all utility connections from the SES, depending on appropriate soil conditions, shape, and topography of the property and any requirements of the utility provider.

b. The SES shall be installed by a licensed engineer, a certified electrician shall inspect the electrical connections prior to operation, and the appropriate public utility shall inspect any operating connection to the grid.

(Amend. of 11-6-2018(2))

Sec. 18-209. Plans and permits.

An application for a conditional use review and an electrical permit shall be submitted to the Murray County Land Use Planning Commission and both shall include the following information:

(1) *Basic information.*

a. If known, the SES operator's name, address, telephone number, and email address;

b. If known, the installation company's name, address, telephone number, email address, and license number; and

c. Evidence of the applicant's control of the property, such as a deed, lease, or option agreement with the landowner.

(2) *Site plan.*

a. A topographic drawing of the property that indicates how stormwater currently drains from the property, identifies the location of discharge points or areas, and identifies any conditions present on the property that may contribute to significant soil erosion;

b. A map from the Georgia Department of Natural Resources that identifies any habitat for state endangered, threatened, or candidate species on or adjacent to the property;

c. A map from the U.S. Department of Fish and Wildlife ("FWS") and/or the National Oceanic and Atmospheric Administration ("NOAA") that identifies any habitat for federally endangered, threatened, or candidate species on or adjacent to the property; and

d. If the SES is located in an agricultural district, a map from U.S. Department of Agriculture Natural Resources Conservation Service ("NRCS") identifying prime farmland and farmland of statewide importance on the property.

(3) *Mitigation of impacts.* The applicant shall submit a mitigation plan that contains the following:

a. A plan for the prevention and mitigation of stormwater runoff and soil erosion;

b. If the SES is located on prime farmland or farmland of statewide importance (as defined by NRCS), a plan to mitigate damage to the soil quality;

c. If the installation of the SES will result in potentially adverse changes to any state or federally endangered, threatened, or candidate species habitat, a mitigation plan, that includes (a) a process for minimizing changes to the species habitat, for example through habitat corridors, (b) a plan to relocate and monitor any impacted species, and (c) a plan to restore the original species habitat after the system is decommissioned; and

d. A map of five nautical miles around the property with the location of any airport in the shown space, and, if an airport is present in that area, a glare hazard analysis result by the solar glare hazard analysis tool or its equivalent.

(4) *Certifications.* The applicant shall submit an affidavit that provides:

a. Construction and operation of the SES will comply with all applicable federal, state, and local laws and regulations, including the requirements of the underlying zoning ordinance, unless otherwise expressly stated in this chapter;

b. Before operation, a fire safety and evacuation plan will be filed with the appropriate fire code and emergency management officials, and will be available in workplace for reference and review by employees working on the premises; and

c. General liability insurance will be maintained throughout the life of the SES project. If the underlying zoning ordinance does not specify the coverage, such general liability insurance will include, but not be limited to, commercial form, premises-operations, products/completed operations hazard, contractual insurance, broad form property damage, and personal injury.

(5) *Decommissioning plan.* The applicant shall submit a decommissioning plan that, based on the best available information at the time of the application, contains the following:

a. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;

b. A statement of conditions that require the decommissioning plan to be implemented;

c. As part of decommissioning, a removal plan that (a) identifies all structures, components, and non-utility owned equipment that shall be removed, and (b) includes a plan for recycling or otherwise reusing all materials to the extent reasonably practicable; and

d. As part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate to the designated land use after the SES is removed, including a tree restoration plan to restore the original tree cover with similar tree types and numbers after the system is decommissioned.

(Amend. of 11-6-2018(2))

Sec. 18-210. Severability.

The invalidity or the unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction, to be unconstitutional or in conflict with any code or regulation governing this subject matter shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

(Amend. of 11-6-2018(2))

Chapter 19

RESERVED

Chapter 20

CIVIL EMERGENCIES*

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ARTICLE I. IN GENERAL

Sec. 20-1. 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:

Emergency management shall mean the preparation for the carrying out of all emergency functions, other than functions for which the state and federal governments are primarily responsible, to prevent, minimize, and repair injury and damage resulting from emergencies or disasters, or the imminent threat thereof, of manmade or natural origin, caused by enemy attack, sabotage, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill, or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, or other hostile action, or other causes. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, defense from radiological, chemical and other special weapons, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, plan protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions in the county.

Overcharging means charging prices for goods, materials, services, or housing which are substantially in excess of the customary charges or in applicable cases substantially in excess of the supplier's or provider's costs for such goods, materials, services or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the goods, materials, services, or housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies, and labor costs resulting from the emergency.

State of emergency means pursuant to O.C.G.A. § 38-3-3(7), a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

Subsequent recovery period means that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed six months after the emergency declaration has been terminated by the governor unless extended by official action of the county commissioner.

(Amend. of 1-8-2008; Amend. No. 1, 8-14-2012)

Cross reference—Definitions generally, § 1-4.

Sec. 20-2. Organization created; director, duties of.

(a) There is established for the county a local organization for emergency management in accordance with the state emergency management plan and program.

(b) The governing official or officials of the county is authorized to nominate a director for appointment by the governor who shall have direct responsibility for the organization, administration and operation of the county emergency management organization subject to the direction and control of the governing official or officials of the county. The director shall:

(1) Represent the governing official or officials of the county on matters pertaining to emergency management.

(2) Assist county officials in organizing county departments for emergency operation.

(3) Develop, in conjunction with other county departments, the plan for emergency functions set out in section 20-1. Such plan will be in accordance with the state emergency plan and shall be submitted to the governing official or officials for approval and thence to the state director for approval.

(4) Be charged with maintaining the emergency management office and carrying out the day-to-day administration of the emergency management program including the rendering of required reports to the state emergency management division office with copies to the governing official or officials.

(5) Further be charged with submitting such reports as financial, daily activity, etc., as required by governing official or officials in keeping with good business practice.

(6) During periods of declared emergency and under the supervision of the governing official or officials of the county, coordinate the activities of the county emergency operation center staff.

(Amend. No. 1, 8-14-2012)

Editor's note—Amendment No. 1, adopted Aug. 14, 2012, added new provisions to the Code as § 20-2, and redesignated former § 20-2 as § 20-5.

Sec. 20-3. Emergency plans.

The governing official or officials of the county shall assign to the various departments of county government the emergency functions set out in section 20-1 and furnish a copy of the same to the board of commissioners and to the emergency management director. Heads of the department in said plan shall be responsible for developing specific plans to carry out their assigned emergency function, which plan shall be submitted to the governing official or officials and the emergency management director and shall be approved by the governing official or officials.

(Amend. No. 1, 8-14-2012)

Sec. 20-4. Emergency powers.

In the event of an actual enemy attack upon the United States or any other disaster which may affect the lives and property of the citizens of the county, the governing official or

chairman of governing officials, or in the chairman's absence the legally appointed successor, may declare that a state of emergency exists and thereafter shall have and may exercise, for such period as such state of emergency exists or continues, the following emergency powers:

(1) To enforce all rules, laws and regulations relating to emergency management and to assume direct operational control over all emergency management forces.

(2) To seize, take for temporary use, or condemn any property for the protection of the public.

(3) To sell, lend, give or distribute all or any of such property or supplies among the inhabitants, to maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies.

(4) To perform and exercise such other functions and duties, and take such emergency actions as may be necessary, to promote and secure the safety, protection and well-being of the inhabitants.

(Amend. No. 1, 8-14-2012)

Sec. 20-5. Overcharging prohibited.

In order to preserve, protect, or sustain the life, health, or safety of persons or their property, it shall be unlawful during the duration of a state of emergency or subsequent recovery period in which the county has been designated as a disaster area for any person, located or doing business in the county to overcharge for any goods, materials, services or housing sold within the county.

(Amend. No. 1, 8-14-2012)

Editor's note—See editor's note to § 20-2.

Secs. 20-6—20-30. Reserved.

ARTICLE II. EMERGENCY AND DISASTER MUTUAL AID AGREEMENT

Sec. 20-31. 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:

Agreement means the emergency and disaster mutual aid agreement.

Assisting county means the participating county furnishing equipment, services, personnel, or other aid pursuant to this agreement.

Disaster means any natural, technological or civil emergency, or threat thereof, that causes damage or has the potential to cause damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the governor, or the President of the United States.

Emergency means any occurrence, or threat thereof, whether natural or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Emergency management director means the person appointed by the county governing authority to implement the emergency plan of the county.

Employees means paid, volunteer, and auxiliary employees and emergency management workers.

Participating county means a county that has duly enacted this agreement.

Receiving county means the participating county requesting equipment, services, personnel, or other aid pursuant to this agreement.

Cross reference—Definitions generally, § 1-4.

State law reference—Definitions, O.C.G.A. § 38-3-3.

Sec. 20-32. Basic agreement; limitations.

Any participating county requested to render mutual aid or requested to participate in exercises and training for mutual aid pursuant to this agreement shall take such action as is necessary to provide and make available the resources covered by this agreement in accordance with the terms hereof; provided, however, that the assisting county may withhold or withdraw those resources necessary to provide protection for such county.

State law reference—Mutual aid arrangements, O.C.G.A. § 38-3-29.

Sec. 20-33. Procedure.

In the event of any emergency or disaster, the emergency management director of any participating county, or the designee of the county governing authority, may request assistance of another participating county by contacting the emergency management director, or the designee of the governing authority, of that county. The provisions of this agreement shall only apply to requests for assistance made by and to official emergency management directors or the designees of the county governing authority. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within ten days of the verbal request.

State law reference—Local organization for emergency management, O.C.G.A. § 38-3-27.

Sec. 20-34. Rights and duties; control.

Each participating county shall afford to the employees of any other participating county, while operating within its jurisdiction under the terms and conditions of this agreement, the same powers, except that of arrest, unless specifically authorized by the receiving county, duties, rights, privileges and immunities as are afforded employees of the receiving county in which they are performing emergency services. Employees of the assisting county will

continue under the command and control of their regular leaders, but, as a group will come under the operational control of the emergency services authorities of the receiving county, unless the receiving county relinquishes such control.

State law reference—Local powers and authority for local emergency management, O.C.G.A. § 38-3-27.

Sec. 20-35. Licenses and permits.

Whenever any person holds a license, certificate, or other permit issued by the state, county or other qualified agency evidencing that the individual possesses any required professional, mechanical, or other skills, such person may be permitted by the receiving county to render aid involving such skill in any other participating county to meet an emergency or disaster situation.

Sec. 20-36. Compensation.

In accordance with O.C.G.A. § 38-3-30(b), each participating county shall provide for the payment of compensation and death benefits to injured employees of that county and the representatives of deceased employees in case such employees sustain injuries or are killed while rendering aid pursuant to this agreement, in the same manner and on the same terms as if the injury or death were sustained within their own county.

Sec. 20-37. Payment and Reimbursement.

Reimbursement to the assisting county shall be in accordance with O.C.G.A. § 38-3-30(b). The receiving county shall pay and reimburse the assisting county for the compensation paid to its employees during the time and rendition of the aid and shall defray the actual traveling and maintenance expenses of the employees while they are rendering the aid. The reimbursement shall include any amounts paid or due for compensation due to personal injury or death while the employees were engaged in rendering the aid. The receiving county shall also be liable for any loss or damage to equipment used in the receiving county pursuant to this agreement and shall pay any expense incurred in the operation or maintenance thereof. No claim for the loss of, damage to, or expense of such equipment shall be allowed unless, within 60 days after the same is sustained or incurred, an itemized notice of the claim under oath is served by mail or otherwise upon the chief fiscal officer of the receiving county.

Sec. 20-38. Immunity.

Neither an assisting county nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representative of any assisting county, nor any unpaid trained personnel or member of any agency engaged in any emergency management activity pursuant to this agreement shall be liable for the death of or injury to a person or for damage to property as a result of such activity.

Secs. 20-39—20-60. Reserved.

ARTICLE III. EMERGENCY CURFEW

Sec. 20-61. 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:

Curfew means a regulation requiring the withdrawal of any person not otherwise exempt from this article from appearing in certain public areas during specified hours.

Exempt individuals, unless otherwise specified in the resolution implementing the curfew, includes those individuals engaged in the provision of designated, essential services, such as fire, law enforcement, emergency medical services and hospital services, military services and utility emergency repairs. The resolution may, in the discretion of the County Commissioner, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair contractors, properly registered according to article V of this chapter pertaining to registration and licensing of building and repair services during a state of emergency, performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the disaster or emergency.

State of emergency, as defined by O.C.G.A. § 38-3-3(7), means a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
(Amend. of 1-8-2008)

Cross reference—Definitions generally, § 1-4.

Sec. 20-62. Institution of curfew.

(a) Upon the declaration of a state of emergency by the governor, or upon the determination by the county commissioner, or his designee, of the existence of an emergency or disaster, the county commissioner, his designee or the emergency interim successor may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of the county.

(b) All of the territory of the unincorporated county shall be subject to the terms of the curfew, unless otherwise specified in the resolution.

(c) The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.

Sec. 20-63. Prohibition.

It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including but not limited to streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places, in all or a delineated part of the unincorporated county during the stated hours of the curfew.

Secs. 20-64—20-80. Reserved.

ARTICLE IV. SUSPENSION OF LAW AND OTHER FORMALITIES DURING STATE OF EMERGENCY

Sec. 20-81. 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:

Fees means any fee or rate charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits, and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term "fees" shall not include those fees collected by the county on behalf of the federal or state government or those fees charged by the county pursuant to a federal or state statute or regulation.

State of emergency, as defined by O.C.G.A. § 38-3-3(7), means a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency is of sufficient severity and magnitude to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

Subsequent recovery period means the period of time that the disaster emergency continues to cause disruptions in the area impacted by the disaster emergency. The subsequent recovery period shall not exceed six months after the state of emergency declaration by the governor is terminated unless extended by official action of the county commissioner.

Temporary dwelling means any mobile or easily movable home, trailer, recreational vehicle or structure not otherwise permitted by the zoning regulations of a particular zoning district.

(Amend. of 1-8-2008)

Cross reference—Definitions generally, § 1-4.

Sec. 20-82. Meetings.

Upon proclamation by the appropriate state official of an emergency or disaster of manmade or natural causes or enemy attack impending on or affecting the state or the

United States, the affairs and business of the county may be conducted at places other than the regular or usual place thereof, within or outside of the county, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the county commissioner shall be as valid and binding as if performed within the county.

State law reference—Operations of governing bodies of political subdivisions during emergencies, O.C.G.A. § 38-3-54.

Sec. 20-83. Purchasing and public works contracts.

Upon the declaration of a state of emergency by the governor, or upon the determination by the county commissioner or his designee, of the existence of an emergency or disaster, the county commissioner, his designee or the emergency interim successor may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that any public works contract entered into pursuant to this section shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein.

Sec. 20-84. Code enforcement.

Upon the declaration of a state of emergency by the governor, or upon the determination by the county commissioner, or his designee, of the existence of an emergency or disaster, the county commissioner, his designee or the emergency interim successor may temporarily suspend the enforcement of this Code or any portion thereof, where:

(1) The emergency or disaster is of such nature that immediate action outside this Code is required;

(2) Such suspension is consistent with the protection of the public health, safety and welfare; and

(3) Such suspension is not inconsistent with any federal or state statutes or regulations.

Sec. 20-85. Fees.

Upon the declaration of a state of emergency by the governor, or upon the determination by the county commissioner, or his designee, of the existence of an emergency or disaster, the county commissioner, his designee or the emergency interim successor may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the area impacted by the disaster or emergency.

Sec. 20-86. Temporary dwellings.

Upon the declaration of a state of emergency by the governor, or upon the determination by the county commissioner, or his designee, of the existence of an emergency or disaster, the county commissioner, his designee or the emergency interim successor may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in

any zoning district while the primary dwelling is being repaired, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county health department and county building and inspections department. The temporary permit shall not exceed six months in duration. In the case of continuing hardship and in the discretion of the county commissioner or his designee, the permit may be extended for a period for an additional six months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

Secs. 20-87—20-110. Reserved.

ARTICLE V. REGISTRATION OF BUILDING AND REPAIR SERVICES

Sec. 20-111. 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:

Building contractor means any person, firm, partnership, corporation or other entity engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property, including dwellings, homes, buildings, structures, or fixtures attached thereto.

Doing business. Any building contractor shall be deemed to be doing business subject to the requirements of this article if:

(1) He has or operates an office, agency, project site or place of business located in the unincorporated areas of the county, whether permanently, temporarily, periodically, or otherwise, that provides the following activities in the unincorporated areas of the county, expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or

(2) He performs the following activities or services in the unincorporated areas of the county, expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto regardless of the location of the principal office.

State of emergency, pursuant to O.C.G.A. § 38-3-3(7), means a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

Subsequent recovery period means that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed three months after the emergency declaration has been terminated by the governor.
(Amend. of 1-8-2008)

Cross reference—Definitions generally, § 1-4.

Sec. 20-112. Penalties.

Any building contractor required by this article to pay a registration fee who engages in business without first registering and receiving a registration certification from the county as required shall be in violation of this article. Violation of this article, upon conviction, shall be punishable as provided in section 1-19. Each day a building contractor does business in the unincorporated areas of the county without complying with this article shall constitute a separate offense.

Sec. 20-113. Building contractor registration required.

No person shall engage in, undertake or carry on any business in whole or in part within the unincorporated areas of the county consisting of or relating to building, constructing, repairing, renovating or making improvements to real property, including dwellings, homes, buildings, structures, or fixtures attached thereto, without having registered the name of the business with the county commissioner and having paid fees as provided by this article.

Sec. 20-114. Registration; certification.

All building contractors doing business or proposing to do business in the unincorporated areas of the county during a state of emergency or the subsequent recovery period shall register and file applications with the county clerk or such other person designated by the county commissioner at the county courthouse or such other place or places designated by the county. The building contractor shall, under oath, provide the county commissioner with a statement describing the general nature of the business to be conducted and give true and correct information as may be called for on the registration form, application or certificate provided by the county.

Sec. 20-115. Registration fees.

Building contractor registration fees shall be as set forth in the schedule of fees and charges on file in the office of the county clerk. Registration fees shall be paid in full at the time of issuance of the registration certification.

Sec. 20-116. Transferability.

Each certification issued under this article is granted to, and shall be accepted by, the building contractor under the condition that the same is not transferable and after issuance no such certification shall be transferred by the county or the building contractor to another individual or entity.

Sec. 20-117. Display of registration certification.

Each certification issued under this article shall be posted conspicuously by the building contractor in the place of business of the building contractor or shall be carried on his person or the vehicle used in such business. Such certification shall be exhibited to any authorized enforcement officer when so requested.

Sec. 20-118. Revocation; suspension.

Each certification granted under this article is a mere permit to engage in the business only so long as such business is conducted in a lawful manner. The county commissioner hereby reserves the right to revoke or suspend any certification granted under this article, if the building contractor, or the building contractor's agent or employee acting within the scope of his employment, violates this article or any other county, state or federal law. If after issuance of a certification the county desires to revoke such certification, written notice thereof shall be given to the building contractor, which notice shall specify the violation with which the building contractor is charged and a date, time and place at which a hearing shall be held with regard to the violation. The building contractor shall have an opportunity to be heard at such hearing, shall have the right to be represented by counsel, and shall have the right to introduce and submit evidence in opposition to such revocation.

Chapter 21

RESERVED

Chapter 22

COURTS*

Article I. In General

Secs. 22-1—22-25. Reserved.

Article II. Citations

Sec. 22-26. Basis for trial.
Sec. 22-27. Issuance.
Sec. 22-28. Procedure.
Sec. 22-29. Accusations.

***Cross references—**Administration, ch. 2; offenses and miscellaneous provisions, ch. 42; traffic and motor vehicles, ch. 66.

State law references—Magistrate courts established, Ga. Const. art. VI, § I, ¶ I; O.C.G.A. § 15-10-1; state courts of counties, O.C.G.A. § 15-7-1 et seq.; contracts to furnish municipal court services authorized, O.C.G.A. § 15-7-80 et seq.; probate court judges generally, O.C.G.A. § 15-9-1 et seq.

ARTICLE I. IN GENERAL

Secs. 22-1—22-25. Reserved.

ARTICLE II. CITATIONS

Sec. 22-26. Basis for trial.

Violations of all provisions of this Code and county ordinances shall be tried upon citations issued by the appropriate county official of the county magistrate court, or upon accusations.
(Ord. No. 32, § 1, 6-2-1998)

State law reference—Provision for trial of county ordinance violations in the magistrate court, O.C.G.A. § 15-10-60.

Sec. 22-27. Issuance.

Whenever it is determined that a violation of this Code or a county ordinance has occurred, the appropriate county official of the county magistrate court shall issue a citation therefor, unless the county commissioner determines that the prosecution shall proceed by accusation.
(Ord. No. 32, § 2, 6-2-1998)

Sec. 22-28. Procedure.

Citations may be tried by the county magistrate court with or without the appearance of a prosecuting attorney on behalf of the county.
(Ord. No. 32, § 3, 6-2-1998)

Sec. 22-29. Accusations.

All accusations shall issue in accordance with O.C.G.A. § 15-10-62(a) with the county attorney or other attorney designated by the county commissioner acting as prosecuting attorney in all cases tried upon accusations.
(Ord. No. 32, § 4, 6-2-1998)

Chapters 23—25

RESERVED

Chapter 26

ENVIRONMENT*

Article I. In General

Secs. 26-1—26-25. Reserved.

Article II. Noise Control

Sec. 26-26. General prohibition.
Sec. 26-27. Exceptions.
Sec. 26-28. Enumeration.
Sec. 26-29. Horns; signaling devices.
Sec. 26-30. Radios, phonographs, other machines or devices that produce or reproduce sound.
Sec. 26-31. Loudspeakers; amplifiers; other devices for production or reproduction of sound for advertising.
Sec. 26-32. Yelling; shouting; hooting; whistling; singing.
Sec. 26-33. Animals and birds.
Sec. 26-34. Steam whistle.
Sec. 26-35. Exhausts.
Sec. 26-36. Defect in vehicle or load.
Sec. 26-37. Loading; unloading; opening boxes.
Sec. 26-38. Construction or repairing of buildings.
Sec. 26-39. Schools; courts; churches; hospitals.
Sec. 26-40. Hawkers; peddlers; vendors.
Sec. 26-41. Noises to attract attention.
Sec. 26-42. Transportation of metal rails, pillars, or columns.
Sec. 26-43. Piledrivers, hammers, other such appliances.
Sec. 26-44. Blowers.
Sec. 26-45. Sound trucks.
Sec. 26-46. Vehicle repair in residential areas.
Sec. 26-47. Exemptions.
Sec. 26-48. Injunctions.
Sec. 26-49. Complaint—Authorized.
Sec. 26-50. Same—Form.
Sec. 26-51. Investigation.
Sec. 26-52. Second complaint.
Sec. 26-53. Warning by officer—Issuance.
Sec. 26-54. Same—Issuance of citation.
Sec. 26-55. Violations.
Secs. 26-56—26-80. Reserved.

***Cross references—**Animals, ch. 14; dangerous dog control, § 14-76 et seq.; buildings and building construction, ch. 18; floods, ch. 30; health and sanitation, ch. 34; manufactured homes, ch. 38; parks and recreation, ch. 46; planning and development, ch. 50; roads, ch. 54; solid waste, ch. 58; water, ch. 70; subdivision regulations, app. A; zoning, app. B.

Article III. Nuisances

Division 1. Generally

Sec. 26-81. Defined.
Sec. 26-82. Enumeration.
Sec. 26-83. Prohibited.
Sec. 26-83.1. [Additional remedies.]
Sec. 26-84. Issuance of summons for abatement.
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Sec. 26-86. Nuisances constituting imminent danger.
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Division 2. Vegetation

Sec. 26-106. Certain weeds, grasses, and plants declared a nuisance; exemptions.
Sec. 26-107. Height permitted.
Sec. 26-108. Notice to abate.
Sec. 26-109. Abatement by county; notice of abatement.
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Sec. 26-111. Award of contracts for clearing of lots by county.
Secs. 26-112—26-125. Reserved.

Division 3. Mosquito Control

Sec. 26-126. Nuisance declared.
Sec. 26-127. Keeping water in which mosquitoes may breed.
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Sec. 26-130. Failure to remedy conditions after notice.
Sec. 26-131. Right of entry of health officer.
Secs. 26-132—26-155. Reserved.

Article IV. Soil Erosion and Sedimentation Control

Sec. 26-156. Title.
Sec. 26-157. Definitions.
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Sec. 26-252. Enforcement.
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Article VI. Mountain Protection

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Article VII. Post-Development Stormwater Management

Sec. 26-318. General provisions.
Sec. 26-319. Definitions.
Sec. 26-320. Permit procedures and requirements.
Sec. 26-321. Post-development stormwater management performance criteria.
Sec. 26-322. Construction inspections of post-development stormwater management system.
Sec. 26-323. Ongoing inspection and maintenance of stormwater facilities and practices.
Sec. 26-324. Violations, enforcement and penalties.
Secs. 26-325—26-345. Reserved.

ARTICLE I. IN GENERAL

Secs. 26-1—26-25. Reserved.

ARTICLE II. NOISE CONTROL

Sec. 26-26. General prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise that unreasonably or unnecessarily annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county.

Sec. 26-27. Exceptions.

The provisions of this article shall not apply to or be enforced against:

(1) Any vehicle of the county while engaged in necessary public business.

(2) Excavations or repairs of streets by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform such work during the day; nor work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor.

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses that are noncommercial in character.

(4) Any parade, celebration or performance.

Sec. 26-28. Enumeration.

The acts contained in this article, among others, shall constitute a violation of this article, but such enumeration shall not be deemed to be exclusive.

Sec. 26-29. Horns; signaling devices.

The following shall be a violation of this article:

(1) The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the county except as a danger warning.

(2) The creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unreasonable period of time.

(3) The use of any signaling device, except a police whistle or one operated by hand or electricity.

(4) The use of any horn, whistle or other device operated by engine exhaust.

(5) The use of any signaling device when traffic is held up for any reason.

Sec. 26-30. Radios, phonographs, other machines or devices that produce or reproduce sound.

The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener shall be a violation of this article. The operation of any such set, instrument, phonograph, machine, or device between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

Sec. 26-31. Loudspeakers; amplifiers; other devices for production or reproduction of sound for advertising.

The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure without a special permit from the county clerk or county commissioner shall be a violation of this article. Announcements over loudspeakers can only be made by the announcer, in person, and without the aid of any mechanical device.

Sec. 26-32. Yelling; shouting; hooting; whistling; singing.

Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 9:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity, shall be a violation of this article.

Sec. 26-33. Animals and birds.

The keeping of any animal or bird that will disturb the comfort or repose of any persons in the vicinity by making long, continual, or frequent noise shall be a violation of this article.

Cross reference—Animals, ch. 14.

Sec. 26-34. Steam whistle.

The blowing of any train whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper county authorities shall be a violation of this article.

Sec. 26-35. Exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device that will effectively prevent loud or explosive noises shall be a violation of this article.

Sec. 26-36. Defect in vehicle or load.

The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise shall be a violation of this article.

Cross reference—Traffic and motor vehicles, ch. 66.

Sec. 26-37. Loading; unloading; opening boxes.

The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers shall be a violation of this article.

Sec. 26-38. Construction or repairing of buildings.

The erection, including excavation, demolition, alteration, or repair, of any building other than between the hours of 6:00 a.m. and 10:00 p.m. on weekdays, except on urgent necessity in the interest of public health and safety, and then only with a permit from the county building official, shall be a violation of this article. Such permit may be granted for a period not to exceed three days or less while the emergency continues and may be renewed by the county commissioner for periods of three days or less while the emergency continues. If the county commissioner determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways from 6:00 p.m. to 7:00 a.m. and further determines that loss or inconvenience would result to any party in interest, the county commissioner may grant permission for such work to be done from 6:00 p.m. to 7:00 a.m., upon application made at the time the permit for the work is applied for or during the progress of the work.

Cross reference—Buildings and building construction, ch. 18.

Sec. 26-39. Schools; courts; churches; hospitals.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while they are in session or adjacent to any hospital, and which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed about such institutions indicating the presence of such institutions, shall be a violation of this article.

Sec. 26-40. Hawkers; peddlers; vendors.

The shouting and crying of hawkers, peddlers, and vendors which disturb the peace and quiet of the neighborhood shall be a violation of this article.

Sec. 26-41. Noises to attract attention.

The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show, or sale by creation of noise shall be a violation of this article.

Sec. 26-42. Transportation of metal rails, pillars, or columns.

The transportation of rails, pillars, or columns of iron, steel, or other material over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places shall be a violation of this article.

Sec. 26-43. Piledrivers, hammers, other such appliances.

The operation from 6:00 p.m. to 7:00 a.m. of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance the use of which is attended by loud or unusual noise without a special permit from the county commissioner shall be a violation of this article.

Sec. 26-44. Blowers.

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise, shall be a violation of this article.

Sec. 26-45. Sound trucks.

The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes and the use of sound trucks for noncommercial purposes during such hours or in such places or with such volume as would constitute such use a public nuisance shall be a violation of this article.

Sec. 26-46. Vehicle repair in residential areas.

The repairing, rebuilding, or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area, shall be a violation of this article.

Sec. 26-47. Exemptions.

The following uses and activities shall be exempt from noise regulations set forth in this article:

(1) Noises of safety signals and warning devices.

(2) Noises resulting from any authorized emergency vehicle when responding to an emergency call or responding to an emergency.

(3) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

(4) Noises resulting from agricultural operations as defined in O.C.G.A 1-3-3.

Applications for other exemptions should be filed with the county clerk for approval by the county commissioner and should state the time, date, organization, and reason for the request.
(Ord. of 9-6-2005, Amend. No. 2)

Sec. 26-48. Injunctions.

The operation or maintenance of any device, vehicle, or machinery in violation of any provision of this article which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health, or peace of residents of this county shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Sec. 26-49. Complaint—Authorized.

Any person disturbed by noise as provided in this article may file a complaint with the appropriate law enforcement agency.

Sec. 26-50. Same—Form.

The complainant shall submit a complaint form stating the name and address of the complainant, the name and address of the person causing the noise disturbance, a description of the nature of the disturbance and such complaint form shall be accompanied by the following:

(1) A videotape complete with sound which depicts the person causing disturbing and unnecessary noise; or

(2) An audiotape with sounds of the disturbing noise together with the names and addresses of two witnesses who observed the making of the audiotape.

Sec. 26-51. Investigation.

Upon receipt of the complaint under this article, the appropriate law enforcement agency shall conduct an investigation of the complaint and upon determination that a violation has occurred shall issue a warning to the party responsible for the disturbance.

Sec. 26-52. Second complaint.

If within 30 days of the submission of complaint under this article the complainant notifies the appropriate law enforcement agency that such person is again making disturbing and unnecessary noise in violation of this section, the party causing such disturbance shall be subject to citation under this section.

Sec. 26-53. Warning by officer—Issuance.

If the unreasonably loud, disturbing, and unnecessary noise is heard or observed by an officer, a written warning may be issued to the violator.

Sec. 26-54. Same—Issuance of citation.

If the unreasonably loud, disturbing, and unnecessary noise is heard or observed a second time within 48 hours of a previous written warning as specified in section 26-53, an officer may issue a citation for the incident against the violator.

Sec. 26-55. Violations.

Activities and disturbances in violation of this article in which a citation is issued shall be subject to punishment as provided in section 1-19 of this Code. Each occurrence and activity completed in violation of this section shall be deemed a separate offense.

Secs. 26-56—26-80. Reserved.

ARTICLE III. NUISANCES*

DIVISION 1. GENERALLY

Sec. 26-81. Defined.

A nuisance is anything within the county that causes hurt, inconvenience or damage to another, and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary, reasonable person. Any such nuisance may be abated as provided in this article.

Cross reference—Definitions generally, § 1-4.

State law reference—Nuisances, O.C.G.A. § 41-1-1 et seq.

Sec. 26-82. Enumeration.

(a) The various nuisances described and enumerated in this section shall not be deemed to be exclusive but shall be in addition to all other nuisances described and prohibited in this Code.

(b) The following are declared to be nuisances:

(1) *Things interfering with peace or comfort.* Sounds, animals, or things that interfere with the peace or comfort or disturb the quiet of the county.

***State law references—**Nuisances, O.C.G.A. § 41-1-1 et seq.; jurisdiction of municipal court or magistrate court to abate nuisances, O.C.G.A. § 41-2-5.

(2) *Obnoxious and offensive odors.* The emission of obnoxious and offensive odors; the tainting of the air rendering it offensive or unwholesome so as to affect the health or comfort of reasonable persons residing in the neighborhood.

(3) *Discharging of offensive matter.* The placing or throwing or discharging from any house or premises and flow from or out of any house or premises of any filthy, foul, or offensive matter or liquid of any kind into any street, alley, or public place or upon any adjacent lot or ground.

(4) *Water pollution.* The obstruction or pollution of any watercourse or source of water supply in the county.

(5) *Emission of dense smoke.* The emission of dense smoke from any fire, chimney, engine, oil burner, or other agency in the county so as to cause disturbance or discomfort to the public. For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart, as published and used by the United States Geological Survey, shall be the standard for such grading, and smoke shall be defined and declared to be dense when it is of a degree of density of number three on the chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not.

(6) *Vacant lots.* Any vacant lot whereon debris is permitted to accumulate and remain in such a manner as to create a fire hazard or other hazard to the public health, safety and welfare.

(7) *Nonconforming structures and machines.* Any building, business, thing, machine, or machinery erected, repaired, conducted, maintained, operated, or used contrary to or in violation of any of the fire and safety regulations of this Code, state law or county ordinance.

(8) *Animal enclosures.* Any enclosure in which any animals are kept, dog kennels or runs, and other animal or fowl pens wherein manure, dung, filth, or litter is allowed to accumulate.

(9) *Dead animals.* The carcass of any dead animal of any kind on any premises within the county.

(10) *Depositing trash, garbage, and refuse on private or public property.* The depositing and leaving on private or public property of trash, garbage, refuse, scrap building materials, paper, cardboard containers, brick, cement rubbish, tree residue, cans, containers, or any other rubbish or trash that is a menace to public health and safety in the county or which unreasonably annoys others.

(11) *Gutters or spouts.* Any gutter or spout that conveys filth into any street, lane or alley of the county.

Sec. 26-83. Prohibited.

It shall be unlawful for any person to maintain or permit the existence of any nuisance on any property within the county.

Sec. 26-83.1. [Additional remedies.]

(a) In addition to the remedies mentioned in section 26-84 et seq., the presiding judicial officer shall have the authority to impose sentence, if said person or entity has been adjudicated guilty or entered a plea of guilty, or a plea of nolo contendre, to a violation of section 26-81 et seq., which shall be punishable as a misdemeanor. The presiding judicial officer shall have the discretion of the imposition of sentence, including the ordering of the removal, demolition, or abatement of the nuisance, in accordance with section 26-84 et seq. In addition to the court ordered removal, demolition, or abatement of the nuisance, and subject to the discretion of the presiding judicial officer, said punishment could be the maximum of a $1,000.00 fine, 60 days in jail, or both. Prior adjudications of quilt, guilty pleas, or nolo contender pleas, for this same type of offense, may be taken into consideration for purposes of implementation of sentence.

(b) The punishment associated with the violation of this article shall be a fine not to exceed $1,000.00, or imprisonment for 60 days, or both. Also, the court may order the removal, demolition, or abatement of any and all nuisances, in accordance with section 26-84 et seq.
(Ord. of 7-5-2005, Amend. No. 1)

Sec. 26-84. Issuance of summons for abatement.

Whenever any nuisance exists within the county, or whenever any condition shall exist on any property within the county that is required or subject to be demolished, removed, or abated under any of the ordinances of the county, and the owner or other responsible person refuses or fails after reasonable notice to demolish, remove, or abate the nuisance, the officer having responsibility for enforcement of this article, may issue a summons and cause the summons to be served upon such owner or other person responsible for such condition, describing the condition complained of and specifying the ordinances or parts of ordinances claimed to be violated and requiring such person to appear before the magistrate judge at a time, date, and place specified in the summons to show cause why such condition should not be demolished, removed or abated.

Sec. 26-85. Order for abatement.

(a) If the magistrate judge at the hearing required by section 26-84 shall determine that a condition does exist as alleged that constitutes a nuisance or a condition which under this Code or the ordinances of the county is required or subject to be demolished, removed, or abated, the judge shall issue his order and judgment so finding and shall order the property owner or other responsible person to demolish, remove, or abate the condition within a period of time to be fixed by the judge. The order shall provide how the condition is to be abated, including, but not limited to, rehabilitation or demolition of any buildings or structures located on the property in question. The order shall further provide that if the property owner or other responsible person shall fail to comply with the order within the time specified, the county shall be authorized to proceed without further notice to demolish,

remove, or abate such condition and to take whatever action is deemed necessary to demolish, remove, or abate such condition, and the expense shall be charged against the owner of the property in question and shall be a lien against the property upon which the condition existed, ranking equally with the lien for county taxes.

(b) Execution shall issue for such costs as in the case of county taxes, and the procedure for the enforcement of the execution shall thereafter be the same as in the case of county taxes.

State law reference—Jurisdiction of municipal court or magistrate court to abate nuisances, O.C.G.A. § 41-2-5.

Sec. 26-86. Nuisances constituting imminent danger.

Whenever any condition shall exist which constitutes an immediate and grave hazard to public health and safety requiring immediate action, the condition may be abated or otherwise remedied summarily and without following the procedures set forth in sections 26-84 and 26-85.

Sec. 26-87. Service on nonresidents and others.

Whenever it shall be necessary for the county to proceed under sections 26-84 and 26-85 and the owner of the property or other responsible person resides outside the county limits, or cannot be found after diligent search, service of the notice required by section 26-85 shall be made by posting a copy of the notice on the property involved and by publishing the notice in a newspaper having general circulation in the county once a week for four consecutive weeks, the last notice to be not longer than ten days nor less than one day prior to the hearing. Where the address of the person to be served is known, or where there is a last known address, a copy of the notice shall also be mailed to the person at such address by certified mail. In all cases where personal service cannot be made upon such person within the county limits, the case shall proceed as quasi in rem, and the execution shall issue in rem.

Sec. 26-88. Other powers preserved.

Nothing in this article shall in any way affect the power and authority of the magistrate judge to punish for any violations which the conditions may constitute nor shall it affect the power and authority of the magistrate judge to punish by contempt the failure to comply with his order.

Sec. 26-89. Exceptions.

The provisions of this article shall not apply to or be enforced against:

(1) Agricultural area, agricultural operation, agricultural facility, and agricultural support facility as outlined in O.C.G.A. § 41-1-7.

(2) Cultural facility as outlined in O.C.G.A. § 41-1-8.

(3) Sport shooting range as outlined in O.C.G.A. § 41-1-9
(Ord. of 9-6-2005, Amend. No. 2)

Secs. 26-90—26-105. Reserved.

DIVISION 2. VEGETATION

Sec. 26-106. Certain weeds, grasses, and plants declared a nuisance; exemptions.

(a) Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind found growing in any lot or tract of land in the county and any weeds, grasses, or plants other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding 12 inches anywhere in the county are hereby declared to be a nuisance, subject to abatement as provided in this division.

(b) Garden flowers, vegetables, cultivated agricultural crops, ornamental shrubbery, and trees shall not be considered weeds, grass, or vegetation within the meaning of this section.

(c) The provisions of this division shall apply only to property located within subdivisions of record in the office of the clerk of the superior court of the county and to the original county lots. They shall not apply to undeveloped areas of unsubdivided land within the county.

State law references—Definitions, O.C.G.A. § 36-74-21; powers of local code enforcement boards, O.C.G.A. § 36-74-25; authority of counties to remove unsanitary and unsafe conditions from private property, O.C.G.A. § 41-2-7.

Sec. 26-107. Height permitted.

It shall be unlawful for the owner, lessee, tenant, or other person having the possession and control of real property or responsible for its management, maintenance, or upkeep to permit the growth and accumulation of weeds, grass, or other vegetation to a height in excess of 12 inches above the ground.

Sec. 26-108. Notice to abate.

(a) For a violation of this division, the owner of the property shall be given notice to remove excess growth within seven days from the receipt of the notice. Such notice may be served personally or may be served by registered or certified mail or by attaching a copy of the notice to the principal entrance of the dwelling and shall contain a description of the location of the property upon which such condition exists.

(b) Where notice is given by registered or certified mail, the depositing of such notice in the United States mail by registered or certified mail, return receipt requested, addressed to the owner of the property at the address shown on the latest ad valorem tax return of such owner for such property shall constitute sufficient service of such notice, where the return receipt shall be duly returned signed by the addressee or someone residing on the premises

or where the return receipt or other notification from the federal postal service indicates that the notice was refused or that there was a refusal to sign the return receipt or that delivery of the notice at such address could not be made.

Sec. 26-109. Abatement by county; notice of abatement.

(a) *Authority to use contractor to abate.* Upon the failure to comply within the required time by the owner of the property when properly notified pursuant to the provisions of section 26-108, the county is authorized to have the contractor enter upon the property. The contractor is authorized to enter the property and cut and remove the weeds, grass and vegetation. The county shall issue a lot cleaning order to the contractor, who shall promptly perform the work and submit his bill to the county. The county shall inspect the work, and, if satisfactory, shall approve the bill for payment and forward it to the county treasurer for payment.

(b) *Demand for payment.* The county treasurer shall promptly send to the owner of the property a statement of account demanding payment on or before a date named in such demand, which shall not be earlier than 15 days nor later than 45 days after payment to the contractor.

(c) *Hearing to show cause.* If payment under subsection (b) of this section shall not have been made on or before the date named, the county treasurer shall issue a notice directed to the owner of the property and signed by the magistrate judge notifying such owner to show cause before the judge at a time and place and on a date named in the notice why execution should not issue against the property for its approval amount.

(d) *Execution.* If it shall appear at such hearing that the property was in violation of this division, that the notice required in section 26-108 was given, that the work was performed and the cost paid by the county, and that the county has not been reimbursed, execution shall issue for such amount and shall be executed by the chief of police in the same manner as tax executions are executed.

(e) *Procedure when property owner unknown.* If the owner of the property is unknown or cannot be located, the provisions of subsections (b) and (c) of this section shall not apply. In lieu thereof a notice shall be published once a week for four weeks in a newspaper of general circulation in the county, which notice shall be addressed "To Whom It May Concern." Such notice shall describe with reasonable particularity the property involved, shall provide a statement of the amount due for the removal of the weeds, grass, or other vegetation, and shall notify all persons interested to show cause before the magistrate judge at a time and place and on a date named in the notice why execution should not issue in rem against the property for such amount. In such event, subsection (a) of this section will apply, but the execution shall issue against the property in rem.

Sec. 26-110. Remedies.

The remedies provided in this division are cumulative of all other remedies the county has for the accomplishment of the objectives set forth in this division. Nothing in this division

shall be construed as relieving any person from the obligation to comply with this Code, all ordinances, laws, or regulations of the county, or to permit the maintenance by any person of a nuisance, and any nuisance shall be subject to be abated in the manner provided by law.

Sec. 26-111. Award of contracts for clearing of lots by county.

Prior to the commencement of each fiscal year, the county shall obtain bids from contractors or other qualified persons for clearing lots of weeds, grass, and other vegetation not in excess of two inches in diameter and for clearing lots of weeds, grass, and other vegetation in excess of two inches but not in excess of four inches in diameter. The county commissioner shall award a contract to the lowest and best bidder, such contract to remain in effect during the ensuing fiscal year.

Secs. 26-112—26-125. Reserved.

DIVISION 3. MOSQUITO CONTROL

Sec. 26-126. Nuisance declared.

A violation of any provision of this division is a nuisance.

Sec. 26-127. Keeping water in which mosquitoes may breed.

(a) It shall be unlawful to have, keep, maintain, cause, or permit within the county any collection of standing or flowing water in which mosquitoes breed or are likely to breed unless such collection of water is so treated as to effectually prevent such breeding.

(b) The collections of water prohibited by subsection (a) of this section shall be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except animal troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets, tires, or other similar water containers.

Sec. 26-128. Treatment of collections of water.

The method of treatment of any collections of water that are specified in section 26-127 directed toward the prevention of breeding of mosquitoes shall be approved by the health officer and may be one or more of the following:

(1) Screening with wire netting of at least 16 meshes to the inch each way or with any other material that will effectually prevent the ingress or egress of mosquitoes.

(2) Complete emptying every seven days of unscreened containers, together with their thorough drying and cleaning.

(3) Using a larvicide approved and applied under the direction of the health officer.

(4) Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito-destroying fish.

(5) Filling and draining to the satisfaction of the health officer or his agent or accredited representative.

(6) Proper disposal by removal or destruction of tin cans, tin boxes, broken, or empty bottles and similar articles likely to hold water.

Sec. 26-129. Mosquito larvae as evidence of breeding.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there. Failure to prevent such breeding within three days after notice by the health officer or his authorized agent or representative shall be deemed a violation of this division.

Sec. 26-130. Failure to remedy conditions after notice.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the breeding of mosquitoes within three days after due notice has been given to him, the health officer or his authorized agent is authorized to do so, and all necessary costs incurred by him for this purpose shall be a charge against the property owner or other person offending, as the case may be.

Sec. 26-131. Right of entry of health officer.

For the purpose of enforcing the provisions of this division, the health officer, or his duly accredited agent under his authority, may at all reasonable times lawfully enter in and upon any premises within his jurisdiction.

Secs. 26-132—26-155. Reserved.

ARTICLE IV. SOIL EROSION AND SEDIMENTATION CONTROL*

Sec. 26-156. Title.

This article will be known as "Murray County Soil Erosion, Sedimentation and Pollution Control Ordinance."
(Ord. of 12-16-2009, § I)

***Editor's note—**An amendment adopted Dec. 16, 2009, repealed art. IV, §§ 26-156—26-165, which pertained to similar subject matter and derived from Ord. No. 56, adopted June 1, 2004.

Subsequently, sections I—X of an ordinance adopted Dec. 16, 2009, enacted a new art. IV as set out herein.

State law references—Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq.; local land-disturbing activity ordinances, O.C.G.A. § 12-7-4.

Sec. 26-157. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Best management practices (BMPs). These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board. The board of natural resources.

Buffer. The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel. A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Coastal marshlands. Shall have the same meaning as in Code section 12-5-282.

Commission. The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC. Certified professional in erosion and sedimentation control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as "excavation."

Department. The Georgia Department of Natural Resources (DNR).

Design professional. A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by EnviroCert, Inc. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Director. The director of the environmental protection division or an authorized representative.

District. The Limestone Valley Soil and Water Conservation District.

Division. The environmental protection division (EPD) of the department of natural resources.

Drainage structure. A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan. A plan required by the Erosion and Sedimentation Act, O.C.G.A. Ch. 12-7, that includes, as a minimum protection, at least as stringent as the state general permit, best management practices, and requirements in subsection 26-159(c) of this article.

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization. All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation. The original elevation of the ground surface prior to cutting or filling.

Land-disturbing activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in subsection 26-158(5).

Larger common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local issuing authority. The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

NOI. A notice of intent form provided by EPD for coverage under the state general permit.

NOT. A notice of termination form provided by EPD to terminate coverage under the state general permit.

Operator. The party or parties that have:

(1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall. The location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit. The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State of Georgia, [and] any interstate body or any other legal entity.

Phase or *phased.* Subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project. The entire proposed development project regardless of the size of the area of land to be disturbed.

Property designed. Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Roadway drainage structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and water conservation district approved plan. An erosion, sedimentation and pollution control plan approved in writing by the Limestone Valley Soil and Water Conservation District.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State general permit. The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq., and [O.C.G.A.] § 12-5-30(f).

State waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion, sedimentation and pollution control practices. Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams. All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in

which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

(1) Permanent seeding, sprigging or planting, producing longterm vegetative cover;

(2) Temporary seeding, producing short-term vegetative cover; or

(3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
(Ord. of 12-16-2009, § II; Amend. of 12-21-2016; Amend. of 1-2-2018)

Sec. 26-158. Exemptions.

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

(1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968;"

(2) Granite quarrying and land clearing for such quarrying;

(3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

(4) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the

"Georgia Water Quality Control Act." In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

(5) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

(6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in subsections 26-159(c)(15) and (16) of this article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

(7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

(8) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further,

that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by subsections (1), (2), (3), (4), (5), (6), (7), (9) or (10) of this section;

(9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the department of transportation or the state road and tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the department of transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

(10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

(11) Any public water system reservoir.

(Ord. of 12-16-2009, § III)

Sec. 26-159. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

(a) *General provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the article and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion, sedimenta-

tion and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections (b) and (c) of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES general permit.

(b) *Minimum requirements / BMPs.*

(1) Best management practices as set forth in subsections (b) and (c) of this section shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

(2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to of O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

(3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to [O.C.G.A.] § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.

(4) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

(5) The LIA may set more stringent buffer requirements than stated in subsections (c)(15), (16) and (17), in light of O.C.G.A. § 12-7-6(c).

(c) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. §§ 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia," published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;

(2) Cut-fill operations must be kept to a minimum;

(3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

(6) Disturbed soil shall be stabilized as quickly as practicable;

(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

(9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. §§ 12-7-1 et seq.;

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(11) Cuts and fills may not endanger adjoining property;

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

(14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2) of this section;

(15) Except as provided in paragraph (16) and (17) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of article 5, chapter 5 of title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

1. Stream crossings for water lines; or

2. Stream crossings for sewer lines; and

(16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to article 2 of chapter 5 of title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

1. Stream crossings for water lines; or

2. Stream crossings for sewer lines.

(17) There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with chapter 5 of title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to [O.C.G.A.] § 12-2-8, where an alteration within the buffer area has been authorized pursuant to [O.C.G.A] § 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf

courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such

lot prior to the effective date of this Act and if the requirement to maintain a 25-foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

d. Activities where the area within the buffer is not more than 500 square feet or that have a "minor buffer impact" as defined in section 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land disturbing activities.

(d) Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (b) and (c) of this section.

(e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.
(Ord. of 12-16-2009, § IV; Amend. of 8-4-2015(1); Amend. of 12-21-2016)

Sec. 26-160. Application/permit process.

(a) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator is the only party who may obtain a permit.

(b) *Application requirements.*

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Murray County without first obtaining a permit from the land development officer to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.

(2) The application for a permit shall be submitted to the land development officer and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that

the land disturbing activity proposed will be carried out in such a manner that the provisions of subsections 26-159(b) and (c) of this article will be met. Applications for a permit will not be accepted unless accompanied by five copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10.

(3) A fee in the amount of $58.00 shall be charged for each acre or fraction thereof up to ten acres and $12.00 per acre or fraction thereof for the remaining project area. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

(4) Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by subsections 26-159(c)(15), (16) and (17) have been obtained, all fees have been paid, and bonding, if required as per subsection (b)(6), have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

(5) If a permit applicant has had two or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

(6) The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination

thereof up to, but not exceeding, $1,500.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

(c) *Plan requirements.*

(1) Plans must be prepared to meet the minimum requirements as contained in subsections 26-159(b) and (c) of this article, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia," is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(2) Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

(d) *Permits.*

(1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(2) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this chapter, any variances required by subsections 26-159(c)(15), (16) and (17) are obtained, bonding requirements, if necessary, as per subsection (b)(6), are met

and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(3) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

(4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(5) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(6) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

(Ord. of 12-16-2009, § V; Amend. of 12-21-2016)

Sec. 26-161. Inspection and enforcement.

(a) The land development officer or designee will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.

(b) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

(c) The land development officer or designee shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

(d) No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(e) The districts or the commission or both shall periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The districts or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The districts or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

(f) The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.
(Ord. of 12-16-2009, § VI)

Sec. 26-162. Penalties and incentives.

(a) *Failure to obtain a permit for land-disturbing activity.* If any person commences and land-disturbing activity requiring a land-disturbing permit as prescribed in this article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

(b) *Stop work orders.*

(1) For the first and second violations of the provisions of this article, the director or the local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the local issuing authority shall issue a stop work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop work order in lieu of a warning;

(2) For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop work order;

(3) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred; and

(4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(c) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 26-160(b)(6). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(d) *Monetary penalties.*

(1) Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any

provisions in any City Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this article shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. of 12-16-2009, § VII)

Sec. 26-163. Education and certification.

(a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this article.

(d) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph [section].

(Ord. of 12-16-2009, § VIII)

Sec. 26-164. Administrative appeal; judicial review.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance;

shall entitle the person submitting the plan or holding the permit to a hearing before the Murray County Board of Appeals. Such appeal shall be taken within 15 days after receipt of the written decision of the local issuing authority.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the issuing authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Murray County.
(Ord. of 12-16-2009, § IX)

Sec. 26-165. Effectivity, validity and liability.

(a) *Effectivity.* This article shall become effective on the 16th day of December, 2009.

(b) *Validity.* If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.

(c) *Liability.*

(1) Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.

(2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.

(3) No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined thereby.

(Ord. of 12-16-2009, § X)

Secs. 26-166—26-250. Reserved.

ARTICLE V. SCRAP TIRES*

Sec. 26-251. 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:

Scrap tire means all tires that are no longer suitable for their original intended purpose because of wear, damage, or defect.

***State law reference—**Authority to adopt, O.C.G.A. §§ 12-8-30.9, 12-8-40.1.

Scrap tire carrier means any person engaged in picking up or transporting scrap tires not otherwise exempted under Georgia Rules for Solid Waste Management, section 391-3-4.19(5)(G) for the purpose of removal to a scrap tire processor, end user, or disposal facility.

Scrap tire generator means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, auto scrap/salvage/junk yards, private company maintenance shops, garages, service stations, and city, county, and state governments.

Structural cover means a permanent shelter designed to shield or protect from natural elements in order to prevent water pooling.

Tire retailer means any person engaged in the business of selling new, retreaded, or used replacement tires.

Used tire means a tire which has a minimum of 1/16 inch of road tread and which is still suitable for its original purpose or is suitable for retreading.
(Ord. No. 46, § 1, 11-14-2001)

Cross reference—Definitions generally, § 1-4.

State law reference—Definitions, O.C.G.A. § 12-8-22.

Sec. 26-252. Enforcement.

Enforcement of this article shall be the responsibility of the county code enforcement office.
(Ord. No. 46, § 3(a), 11-14-2001)

State law references—County authority to establish code enforcement boards, O.C.G.A. § 36-74-22; powers of local code enforcement boards, O.C.G.A. § 36-74-25.

Sec. 26-253. Tire storage, handling, and disposal.

(a) *Storage under cover.* All persons storing any number of tires shall store such tires under a permanent structural cover.

(b) *Collection by county limited.* The county landfill will provide a collection site for individual residents of the county and other entities that generate less than 20 scrap tires per month for a fee equal to the cost of transferring to a processor. All other entities shall dispose of scrap tires in accordance with Georgia Rules for Solid Waste Management, chapter 391-3-4 and O.C.G.A. § 12-8-20, cited as the state comprehensive solid waste management act.

(c) *Responsibility of owner or occupant.* The owner or occupant of any property shall be responsible for the sanitary and lawful handling and disposition of tires on the property.

(d) *Disposal in accordance with this article.* It shall be unlawful for any person to burn, bury, or otherwise dispose of tires except as provided in this article.

(e) *State rules applicable to generators, carriers, and retailers.* In addition to this article, all persons defined as scrap tire generators, scrap tire carriers, and tire retailers shall be subject to rules as defined in O.C.G.A. § 12-8-20, and Georgia Rules for Solid Waste Management, as defined in chapter 391-3-4.
(Ord. No. 46, § 2, 11-14-2001)

State law references—County authority to impose restrictions on disposal of scrap tires, O.C.G.A. § 12-8-40.1; county authority for local regulation of solid waste generally, O.C.G.A. §§ 12-8-30.9, 12-8-50.

Sec. 26-254. Right of entry.

(a) Any person authorized to enforce this article shall be empowered to enter any private or public property upon reasonable cause at reasonable times in order to inspect the property for violations of this article, subject to the condition that to allow entry on private property for inspection such officer shall have observed the alleged violation from the public right-of-way or shall have received a complaint alleging a violation of this article.

(b) If such property is occupied, the inspecting officer must first present proper credentials and request entry. If such property is unoccupied, the inspecting officer shall first make a reasonable effort to locate the owner or other person having charge, care, or control of such and request entry. If entry is refused, the investigating officer shall have recourse to every remedy provided by law to secure entry.

(c) When the investigating officer shall have first obtained a proper warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge or control shall fail or neglect, after proper request is made as provided in this section, to promptly permit entry therein by the investigating officer for the purpose of inspection and examination pursuant to this article.
(Ord. No. 46, § 3(b), 11-14-2001)

State law reference—County right of entry, O.C.G.A. § 12-8-40.1(i)(3).

Sec. 26-255. Issuance of summons.

The county code enforcement officers shall be authorized to issue summons for hearings on alleged violations of this article in the county magistrate court.
(Ord. No. 46, § 3(c), 11-14-2001)

Sec. 26-256. Penalties.

Any person failing to comply with the lawful provisions of this article or doing any act prohibited hereby or failing to do any act mandated hereby shall be guilty of a misdemeanor and shall be subject to any or all of the following penalties:

(1) In the sound discretion of the court, the violator may be ordered to remove from any property for which the violator is responsible the unlawful accumulation of tires and to come in full compliance with this article.

(2) In the sound discretion of the court, the violator may be ordered to remove from the property of another any unlawful accumulation of tires for which the violator is responsible.

(3) In the sound discretion of the court, the violator may be ordered to provide for the proper storage of tires for which the violator is responsible.

(4) The violation of this article may be punished as provided in section 1-19 of this Code. The imposition of one penalty for any violation shall not excuse and allow the violation to continue. Each and every time that such a violation is cited it shall be deemed a separate offense. If the court orders corrective action and the violator fails to comply, the court may deem that each day the violation continues to be a separate offense. The order may further provide that if the property owner or other responsible person shall fail to comply with the order within the time specified, the county shall be authorized, in accordance with O.C.G.A. title 41 chapter 2, to proceed to take whatever actions deemed necessary to remove or abate such condition, and the expense shall be charged against the owner of the property in question and shall file a lien against the property upon which the condition existed, ranking equally with the lien for county taxes.

(Ord. No. 46, § 4, 11-14-2001)

Secs. 26-257—26-281. Reserved.

ARTICLE VI. MOUNTAIN PROTECTION

Sec. 26-282. Findings of fact.

The mountains of the state are characterized by steep slopes, thin soils, and, because of the natural stresses placed on such environments, they require special protection. Land-disturbing activity on the high elevation, steep slope mountains of the state potentially threatens the public health, safety, welfare, and economic progress of the state. Such land-disturbing activity:

(1) May endanger the quality of surface water by increasing erosion and stream sedimentation;

(2) Has the potential to induce landslides;

(3) Has the potential to adversely affect groundwater due to the difficulty in providing proper sewage disposal in areas of steep slope and high elevation;

(4) May damage the habitat for some species of wildlife (both plants and animals); and

(5) May detract from the mountains' scenic and natural beauty which is vital to the recreation and tourism industry of North Georgia.

(Ord. of 12-5-2006)

Sec. 26-283. Purpose.

The purpose of this article is to establish measures to guide future growth and development in the areas within protected mountains as defined in this article.
(Ord. of 12-5-2006)

Sec. 26-284. Authority.

This article is enacted pursuant to the authority contained in Ga. Const. art. IX, § II, ¶ I and art. IX, § II, ¶ III, and O.C.G.A. §§ 12-2-8(b), 50-8-2(a)(18)(B) and 50-8-7.1(b).
(Ord. of 12-5-2006)

Sec. 26-285. Jurisdiction.

This article shall apply to the unincorporated areas of the county and to any incorporated area electing to adopt this article.
(Ord. of 12-5-2006)

Sec. 26-286. Cite.

This article shall be known and cited as "Murray County Mountain Protection Ordinance."
(Ord. of 12-5-2006)

Sec. 26-287. Interpretation.

This article shall be interpreted in conjunction with federal and state rules, regulations and laws, and other county ordinances contained or referenced in this article.
(Ord. of 12-5-2006)

Sec. 26-288. 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:

Designated hazardous waste means any solid waste identified as such in regulations promulgated by the state board of natural resources. The state board of natural resources may identify as designated hazardous waste any solid waste which the board concludes is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed, based on the factors set forth in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are codified as 40 CFR 261.11(a)(3), in force and effect on February 1, 1996, if such solid waste contains any substance which is listed on any one or more of the following lists:

(1) List of hazardous constituents, codified as 40 CFR 261, Appendix VIII, in force and effect on February 1, 1996;

(2) Groundwater monitoring list, codified as 40 CFR 264, Appendix IX, in force and effect on February 1, 1996;

(3) List of hazardous substances and reportable quantities, codified as 40 CFR Table 302.4, and all appendices thereto, in force and effect on February 1, 1996;

(4) List of regulated pesticides, codified as 40 CFR 180, in force and effect on February 1, 1996;

(5) List of extremely hazardous substances and their threshold planning quantities, codified as 40 CFR 355, Appendix A, in force and effect on February 1, 1996; or

(6) List of chemicals and chemical categories, codified as 40 CFR 372.65 in force and effect on February 1, 1996.

Federal act means the federal Solid Waste Disposal Act, as amended, particularly by the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 USC 6901 et seq.), as amended, particularly by but not limited to the Used Oil Recycling Act of 1980 (Public Law 96-463), the Solid Waste Disposal Act Amendments of 1980 (Public Law 96-482), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510), the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616), and the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499), as amended.

Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1996, codified as 40 CFR 261.3 and any designated hazardous waste. (Note: This is same definition as used in the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.)

Land-disturbing activity means any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. The term "land-disturbing activity" shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

Multifamily dwelling means a structure that contains multiple dwelling units.

Plat map means a large-scale map that shows the location of tracts of land within a jurisdiction, and the tax status of such tracts.

Protected mountain means all land area 1,000 feet or more above mean sea level, that has a percentage slope of 25 percent or greater for at least 500 feet horizontally, and shall include the crests, summits, and ridge tops which lie at elevations higher than any such area.

Quadrangle map means the most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000.

Reforestation plan means a plan to replant trees or other vegetation outside of the 18-foot construction limit that are cleared during construction. This plan must be prepared by a registered forester, landscape architect, arborist, or other persons approved by the State of Georgia, and will specify the species, types, quantities, sizes, and method of re-establishing trees and/or other vegetation.

Sensitive natural area means any area, as identified now or hereafter by the state department of natural resources, which contains one or more of the following:

(1) Habitat, including nesting sites, occupied by rare or endangered species;

(2) Rare or exemplary natural communities;

(3) Significant landforms, hydroforms, or geological features; or

(4) Other areas so designated by the state department of natural resources; and which is sensitive or vulnerable to physical or biological alteration.

Single-family dwelling means a dwelling structure that is designed for the use of one family.

Written notification means a notice to an applicant which shall be given in writing and mailed by certified mail, return receipt requested, to the last known mailing address submitted by applicant to the land development officer. Notice to the land development officer, or his designee, shall be given in writing and mailed by certified mail, return receipt requested, or delivered personally to and a receipt obtained from the land development officer.
(Ord. of 12-5-2006)

Cross reference—Definitions generally, § 1-3.
State law reference—Similar provisions, O.C.G.A. § 12-8-62.

Sec. 26-289. Establishment of a protected mountain district.

The mountain protection district is hereby designated and shall comprise all land area within the jurisdiction of the county that is 1,000 feet or more above mean sea level that has a percentage slope of 25 percent or greater for at least 500 feet horizontally. The mountain protection district shall also include the crests, summits, and ridge tops which lie at elevations higher than any such area. The mountain protection district shall be further defined and delineated on the mountain protection district map. The mountain protection district map is hereby incorporated into and made a part of this article by reference.
(Ord. of 12-5-2006)

Sec. 26-290. Protection criteria.

(a) Proposed land-disturbing activity shall meet all applicable requirements of the Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1 et seq.) and all applicable local ordinances on soil erosion and sedimentation control.

(b) When one or more septic tanks are to be used for individual sewage disposal, the proposed land-disturbing activity shall meet all applicable requirements imposed by the governing authority.

(c) Where one or more wells are to be used for individuals water supply, the proposed land-disturbing activity shall meet all applicable requirements of the Water Well Standards Act of 1985; the requirements of the rules and regulations of the state department of human resources regarding individual or nonpublic wells; and, any more stringent requirements imposed by the governing authority.

(d) If sewage treatment is to be provided by any means other than one or more individual septic tanks, the sewage treatment shall meet all applicable requirements of the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et seq.).

(e) If a public water supply system is to be provided, the water supply system shall meet all applicable requirements of the Georgia Safe Drinking Water Act of 1977 (O.C.G.A. § 12-5-170 et seq.).

(f) Single-family dwellings shall not be constructed at a density of more than one per one and one-half acre and no such acreage shall be less than 150-feet wide at the building site. For multifamily dwelling units (duplexes, apartments, ect.) minimum lot size shall be one and one-half acre and shall increase by 25 percent for each unit above the initial unit. All lots, regardless of size shall meet the minimum requirements of the Murray County Board of Health.

(g) This minimum lot size restrictions shall not apply to:

(1) Any lot of less than one and one-half acre, if such a lot was, as of the date of the adoption of the ordinance from which this article is derived [Dec. 5, 2006], owned and described as a discrete parcel of real property according to the instrument of title of the person or persons owning the lot on such date.

(2) Any lot of less than one and one-half acre, if such a lot was, as of the date of the adoption of the ordinance from which this article is derived [Dec. 5, 2006], shown as a discrete parcel of real property on a plat of survey properly recorded in the real property records of the clerk of superior court by the person or persons owning the lot on such date.

(3) Any land, or part of any land, which was contained in or subject to any master plan, planned unit development plan, special approved development plan, or any other development plan if such plan was filed with and approved by the local governing authority prior to the date of the adoption of the ordinance from which this article is derived [Dec. 5, 2006], pursuant to a duly enacted planning and zoning ordinance; provided further, that any such planning and zoning ordinance must have provided for rules and procedures and governed lot sizes, density, types of buildings, and other limitations usually associated with the implementation of local zoning ordinances.

(h) No building is permitted to exceed 40 feet from the natural grade of the land. If the building is raised on fill, the depth of the fill is considered part of the height measurement. If the grade is lowered by cut, the height measurement contains the depth of the cut. At no time shall a building extend above the existing tree canopy. The height restriction in this subsection shall not apply to water, radio, or television towers; to any equipment for the transmission of electricity, to minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires, or to windmills.

(i) Houses and roads shall not be located within 20 feet of the uppermost point of the crest, summit, or ridge-top of the mountain or hill on which said dwelling is constructed.

(j) Any application for a building permit to construct a commercial structure shall contain a detailed landscaping plan. Such landscaping plan shall:

(1) Identify all trees which are to be removed that exceed six inches in diameter as measured at a point on the tree four feet above the surface of the ground;

(2) Contain a plan for replacement of any such trees that are removed; and

(3) Include a topographical survey of the project site and an assessment of the effect that the project will have on the environment of the protected mountain after the project has been completed and is in operation.

Nothing in this subsection shall be construed to require commercial structures to comply with the density provision of subsections (f) and (g) of this section.

(k) No person engaging in land-disturbing activity shall remove more than 50 percent of the existing trees that exceed six inches in diameter as measured at a point on such a tree four feet above the surface of the ground, unless such person has filed with the application a plan of reforestation developed by a registered forester. Land disturbance outside of building footprint shall not exceed 18 feet beyond the house footprint.

(l) Trees six inches in diameter or greater that are adjacent to the house footprint shall be protected with fencing to prevent damage.

(m) Handling areas for the receiving and storage of hazardous waste are prohibited from protected mountains.

(n) Hazardous waste or solid waste disposal facilities are prohibited from protected mountains. Disposal facilities permitted by the state department of natural resources, environmental protection division, prior to the promulgation of a mountain protection plan shall be exempt from this criterion.

(o) All roads on protected mountains shall be designed and constructed to minimize the potential for landslides, erosion and runoff.

(p) Roads and driveways shall be located so that the maximum number of existing trees on the site is preserved.

(q) All exterior lights or light poles shall not exceed the height of surrounding buildings or tree line.
(Ord. of 12-5-2006)

Sec. 26-291. Exemptions.

The following shall be exempted from the provisions of this article:

(1) Agriculture and forestry on protected mountains provided that:

a. Agriculture and forestry activities are consistent with the best management practices established by the state forestry commission or the state soil and water conservation commission;

b. Agricultural and forestry activities are consistent with all state and federal laws, and all regulation promulgated by the state department of agriculture.

c. No other activities or land disturbance, except for normal forestry management practices, shall be allowed on the entire property upon which the agricultural or forestry practices were conducted for a period of ten years from the completion of such agricultural or forestry practices.

(2) Mining activity on protected mountains if such activity is permitted by the state department of natural resources.
(Ord. of 12-5-2006)

Sec. 26-292. Administration and enforcement procedures.

(a) *Site plans.* Application for a local development permit within the mountain protection district shall include a site plan, drawn at a scale of one inch equals 50 feet by a registered land surveyor or professional engineer licensed by the state with the following information:

(1) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on the cross-sectional drawings.

(2) A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

(3) Soil and erosion control plan showing pre- and post-construction site conditions.

(4) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

(5) Elevations of the site within 200 feet of the building site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.

(6) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

(7) All proposed temporary disruptions or diversions of local hydrology.

(8) The site plan shall contain a surveyor's or engineer's certification that the project site is or is not located within a water supply watershed district, a wetlands protection district, Coosawattee River Corridor Protection District, or the mountain protection district, as applicable.

(b) *Activities to comply with site plan.* All development activities or site work conducted after approval of the site plan shall conform with the specifications of the site plan. Significant changes to the site plan that would, alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill, or removal of the overall appearance of the development as proposed, can be amended only with the approval of the land development officer or his designee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

(c) *Exemptions to site plan requirements.* The following activities and developments are exempt from the requirement for detailed site plans: Repairs to a facility that is part of a previously approved and permitted development.

(d) *Powers of the land development officer.* The land development officer, or his designee, shall have the power to enforce the provisions of this article. The land development officer, or his designee, shall have the authority to issue stop work orders and cite violators of this article to court. The land development officer, or his designee, shall have the power to conduct investigations as reasonably deemed necessary to carry out his duties of enforcing this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the site.

(e) *Penalties and fines for noncompliance.*

(1) When a building or other structure has been constructed in violation of this section, the violator shall be required to remove the structure at the direction of the land development officer, or his designee.

(2) When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the direction of the land development officer, or his designee.

(3) If the land development officer, or his designee, discovers a violation of this article that also constitutes a violation of any provision of the Clean Water Act as amended, the land development officer, or his designee, shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

(4) Any person who violates any provision of this article, or any permit condition or limitation established pursuant to this article shall be punished as provided in

section 1-19 of the Code of Murray County. Other ordinances referenced in this article may specify other penalties which may govern over this article. Whichever is more restrictive shall govern course of action.

(f) *Suspension, revocation.* The land development officer or his designee shall suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The land development officer, or his designee, shall issue written notification of denial, issuance, conditional issuance, revocation or suspension to the applicant.

(g) *Administrative appeals.* Any party aggrieved by any decision of the land development officer may within 30 days thereafter appeal therefrom to the commissioner. The appellant shall furnish the land development officer written notification of appeal specifying the judgment of decision from which appeal is taken. A decision by the commissioner shall be the final administrative appeal and their decision shall be carried out by the land development officer.

(h) *Judicial review.* All final decisions of the commissioner concerning denial, approval, or conditional approval of a permit shall be reviewable in the superior court of the county.

(i) *Amendments.* This article and the mountain protection district map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

(j) *Relief assessment.* Assessors and board of assessors shall consider requirements of these regulations in determining the fair market value of land.

(k) *Variances.*

(1) When issued. The commissioner may authorize, upon appeal in individual cases, variances from the terms of this article as will not be contrary to the public interest. Lot development hardship, not financial cost or personal design and/or location choice, shall be the basis for such a request for and the granting of a variance. Such variance may be granted in individual cases of practical difficulty or unnecessary hardship only upon a finding by the commissioner that all of the following conditions exist:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

b. The application of this article to the particular piece of property would create an unnecessary hardship;

c. Relief if granted, would not cause substantial detriment to the mountains of the county or impair the purposes and intent of this article;

d. The special circumstances surrounding the request for a variance are not the result of acts by the applicant; and

e. The variance is not a request to permit a use of land, buildings or structures that is not permissible in the district involved.

(2) Conditions. The commissioner may, as a condition of the variance to certain provisions of this article, require that alternative measures be taken by the applicant such that the purposes of this article may be achieved through alternative means.

(Ord. of 12-5-2006)

Secs. 26-293—26-317. Reserved.

ARTICLE VII. POST-DEVELOPMENT STORMWATER MANAGEMENT

Sec. 26-318. General provisions.

(a) *Purpose and intent.* The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment within the designated Urbanized Area of Murray County. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard public health, the environment and general welfare of the public, and protect water and aquatic resources. This article seeks to meet that purpose through the following objectives:

(1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

(2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

(3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

(4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

(5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county greenspace protection plan;

(6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,

(7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

(b) *Applicability.* This article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (c) below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

(1) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more;

(2) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;

(3) Any new development or redevelopment, regardless of size, that is defined by the land use administrator or designee to be a hotspot land use; or

(4) Land development activities that are smaller than the minimum applicability criteria set forth in items (1) and (2) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

(c) *Exemptions.*The following activities are exempt from this article:

(1) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;

(2) Additions or modifications to existing single-family or duplex residential structures;

(3) Agricultural or silvicultural land management activities within areas zoned for these activities;

(4) Repairs to any stormwater management facility or practice deemed necessary by the land use administrator or designee;

(5) Re-development that does not create additional impervious cover or increase stormwater runoff above existing land use;

(6) Single-family or duplex residential lots platted prior to the adoption of this article, whether or not they are a part of a subdivision or phased development project; and

(7) Redevelopment that constitutes the replacement of the original square footage of impervious cover and original acreage of other land development activity when: (1) the original development is wholly or partially lost due to natural disaster or other acts of God occurring after [March 3, 2015] and (2) the original development included more than 5,000 square feet of impervious cover or other land development activity of one acre or more.

(d) *Designation of ordinance administrator.* The land use administrator or designee is hereby appointed to administer and implement the provisions of this article.

(e) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(f) *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

(g) *Stormwater design manual.* Murray County will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda for the proper implementation of the requirements of this article. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.
(Amend. of 3-3-2015)

Sec. 26-319. Definitions.

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

Applicant means a person submitting a post-development stormwater management application and plan for approval.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Conservation easement means an agreement between a land owner and Murray County or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention facility means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land development activities.

Development means a land development or land development project.

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

Extreme flood protection means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Greenspace or *open space* means permanently protected areas of the site that are preserved in a natural state.

Hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic soil group (HSG) means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Industrial stormwater permit means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the process of percolating stormwater runoff into the subsoil.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land development means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development activities means those actions or activities which comprise, facilitate or result in land development.

Land development project means a discrete land development undertaking.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

New development means a land development activity on a previously undeveloped site.

Nonpoint source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or *nonstructural practice* means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Off-site facility means a stormwater management facility located outside the boundaries of the site.

On-site facility means a stormwater management facility located within the boundaries of the site.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit means the permit issued by Murray County to the applicant which is required for undertaking any land development activity.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Project means a land development project.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater management facility or *regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Runoff means stormwater runoff.

Site means the parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater better site design means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article.

Stormwater management system means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the flow of surface water resulting from precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.
(Amend. of 3-3-2015)

Sec. 26-320. Permit procedures and requirements.

(a) *Permit application requirements.* No owner or developer shall perform any land development activities without first meeting the requirements of this article prior to commencing the proposed activity. Unless specifically exempted by this article, any owner or developer proposing a land development activity shall submit to the land use administrator or designee a permit application on a form provided by Murray County for that purpose. Unless otherwise exempted by this article, a permit application shall be accompanied by the following items in order to be considered:

(1) Stormwater management plan in accordance with subsection (c);

(2) Inspection and maintenance agreement in accordance with subsection (d), if applicable;

(3) Performance bond in accordance with subsection (e), if applicable; and

(4) Permit application and plan review fees in accordance with subsection (h).

(b) *Stormwater concept plan and consultation meeting.* Before any stormwater management permit application is submitted, it is recommended that the land owner or developer shall meet with the land use administrator for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the

preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

(c) *Stormwater management plan requirements.* The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in section 26-322 below.

This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the State of Georgia, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the stormwater design manual.

The stormwater management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the stormwater management site plan checklist found in the stormwater design manual. This includes:

(1) Common address and legal description of site.

(2) Vicinity map.

(3) The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

(4) Post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-

development stormwater management performance criteria in section 26-321; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.

(5) Description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 26-321; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

(6) A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

(7) An erosion and sedimentation control plan in accordance with chapter 26, article IV of The Code of Murray County. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(8) Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(9) The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

(10) Unless an on-site stormwater management facility or practice is dedicated to and accepted by Murray County as provided in subsection (d) below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance subsection (d).

(11) The applicant shall certify and provide documentation to the land use administrator or designee that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

(d) *Stormwater management inspection and maintenance agreements.* Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which Murray County requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the Murray County Commissioner, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the land use administrator or designee prior to plan approval, and recorded in the deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding

arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, the land use administrator or designee may also enforce all of the provisions for ongoing inspection and maintenance in section 2-326 of this article.

The Murray County Commissioner in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(e) *Performance and maintenance bonds.* Implementing and requiring the posting of bonds or other security to guarantee performance of construction and/or maintenance obligations will be under the discretion of the land use administrator or designee.

(f) *Application procedure.*

(1) Applications for land development permits shall be filed with the land use administrator or designee.

(2) Permit applications shall include the items set forth in subsection (c) above (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).

(3) The land use administrator or designee shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.

(4) If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the land use administrator or designee shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subsection (3) above and this subparagraph shall apply to such resubmittal.

(5) Upon a finding by the land use administrator or designee that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this article, the land use administrator or designee may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

(6) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:

a. The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

b. The land development project shall be conducted only within the area specified in the approved plan;

c. The land use administrator or designee shall be allowed to conduct periodic inspections of the project;

d. No changes may be made to an approved plan without review and written approval by the land use administrator or designee; and

e. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by subsection 26-322(b).

(g) *Modifications for off-site facilities.* The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to the land use administrator or designee which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the land use administrator or designee that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

(1) Increased threat of flood damage to public health, life, and property;

(2) Deterioration of existing culverts, bridges, dams, and other structures;

(3) Accelerated stream bank or streambed erosion or siltation;

(4) Degradation of in-stream biological functions or habitat; or

(5) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

(h) *Application review fees.* The fee for review of any stormwater management application shall be based on the fee structure established by the Murray County Commissioner and shall be made prior to the issuance of any building permit for the development.
(Amend. of 3-3-2015)

Sec. 26-321. Post-development stormwater management performance criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:

(1) *Water quality.* All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;

b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and

c. Runoff from hotspot land uses and activities identified by the land use administrator or designee are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

(2) *Stream channel protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

b. Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;

c. Erosion prevention measures such as energy dissipation and velocity control.

(3) *Overbank flooding protection.* Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (1) is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.

(4) *Extreme flooding protection.* Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

(5) *Structural stormwater controls.* All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be

designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the land use administrator or designee before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the land use administrator or designee may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1). The applicant may, if approved by the land use administrator or designee, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

(7) *Drainage system guidelines.* Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

a. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;

b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and

c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

(8) *Dam design guidelines.* Any land-disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and rules for dam safety as applicable.

(Amend. of 3-3-2015)

Sec. 26-322. Construction inspections of post-development stormwater management system.

(a) *Inspections to ensure plan compliance during construction.* Periodic inspections of the stormwater management system construction shall be conducted by the land use administrator or designee or conducted and certified by a professional engineer who has been approved by the land use administrator or designee construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

(1) The date and location of the inspection;

(2) Whether construction is in compliance with the approved stormwater management plan;

(3) Variations from the approved construction specifications; and

(4) Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

(b) *Final inspection and as built plans.* Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction are completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the land use administrator or designee is required before the release of any performance securities can occur.

(Amend. of 3-3-2015)

Sec. 26-323. Ongoing inspection and maintenance of stormwater facilities and practices.

(a) *Long-term maintenance inspection of stormwater facilities and practices*. Stormwater management facilities and practices included in a stormwater management plan, which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the land use administrator or designee shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Murray County may correct the violation as provided in subsection (d) hereof.

Inspection programs by the land use administrator or designee may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(b) *Right-of-entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the land use administrator or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(c) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the land use administrator or designee.

(d) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the land use administrator or designee, after 30 days' written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. Murray County may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.
(Amend. of 3-3-2015)

Sec. 26-324. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article 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 below shall not prevent such equitable relief.

(1) *Notice of violation.* If the land use administrator or 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 article, 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 article 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:

a. The name and address of the owner or the applicant or the responsible person;

b. The address or other description of the site upon which the violation is occurring;

c. A statement specifying the nature of the violation;

d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;

e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and

f. A statement that the determination of violation may be appealed to the land use administrator or 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-hour notice shall be sufficient).

(2) *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 land use administrator or 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 land use administrator or designee may take any one or more of the following actions or impose any one or more of the following penalties.

a. The land use administrator or 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.

b. The Murray County Building Inspector 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.

c. The land use administrator or designee may suspend, revoke or modify the permit authorizing the land 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 land use administrator or designee may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

d. 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 land use administrator or 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).

e. For intentional and flagrant violations of this article, the code enforcement officer shall issue a citation to the applicant or other responsible person, requiring such person to appear in Murray County Magistrate 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 for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Amend. of 3-3-2015)

Secs. 26-325—26-345. Reserved.

Chapters 27—29

RESERVED

Chapter 30

FLOODS*

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Secs. 30-1—30-25. Reserved.

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***Cross references—**Buildings and building construction, ch. 18; environment, ch. 26; health and sanitation, ch. 34; manufactured homes, ch. 38; planning and development, ch. 50; water, ch. 70; subdivision regulations, app. A; zoning, app. B.

State law reference—Construction and operation of watershed and flood control projects by counties, O.C.G.A. § 22-3-100 et seq.

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ARTICLE I. IN GENERAL

Secs. 30-1—30-25. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION*

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 30-26. Authorization.

Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
(Ord. of 8-3-2010, Art. 1, § A)

Sec. 30-27. Findings of fact.

(a) The flood hazard areas of Murray County, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
(Ord. of 8-3-2010, Art. 1, § B)

Sec. 30-28. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

***Editor's note—**An amendment adopted Aug. 3, 2010, repealed Art. II, §§ 30-26—30-38, 30-61—30-64, 30-91—30-95, which pertained to flood damage prevention, and derived from Ord. No. 11, arts. 1—5, adopted July 3, 1990. Subsequently, an ordinance adopted Aug. 3, 2010, Arts. 1—6, added similar new provisions as set out herein.

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

(5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(Ord. of 8-3-2010, Art. 1, § C)

Sec. 30-29. Objectives.

The objectives of this article are:

(1) To protect human life and health;

(2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(3) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas,

(4) To minimize expenditure of public money for costly flood control projects;

(5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(6) To minimize prolonged business interruptions; and

(7) To insure that potential homebuyers are notified that property is in a flood area.

(Ord. of 8-3-2010, Art. 1, § D)

Secs. 30-30—30-40. Reserved.

DIVISION 2. GENERAL PROVISIONS

Sec. 30-41. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of Murray County, Georgia.

(Ord. of 8-3-2010, Art. 2, § A)

Sec. 30-42. Basis for area of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated September 29, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 29, 2010, with accompanying maps and other supporting data and any revision thereto, for Murray County are hereby adopted by reference.

Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located: Murray County Office of Land Development, 124 N. 4th Ave., Chatsworth, Georgia 30705.
(Ord. of 8-3-2010, Art. 2, § B)

Sec. 30-43. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.
(Ord. of 8-3-2010, Art. 2, § C)

Sec. 30-44. Compliance.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.
(Ord. of 8-3-2010, Art. 2, § D)

Sec. 30-45. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. of 8-3-2010, Art. 2, § E)

Sec. 30-46. Interpretation.

In the interpretation and application of this article all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. of 8-3-2010, Art. 2, § F)

Sec. 30-47. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create

liability on the part of Murray County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.
(Ord. of 8-3-2010, Art. 2, § G)

Sec. 30-48. Penalties for violation.

Failure to comply with the provisions of this article or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $1,000.00 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Murray County from taking such other lawful actions as is necessary to prevent or remedy any violation.
(Ord. of 8-3-2010, Art. 2, § H)

Secs. 30-49—30-60. Reserved.

DIVISION 3. ADMINISTRATION

Sec. 30-61. Designation of ordinance administrator.

The land development officer is hereby appointed to administer and implement the provisions of this article.
(Ord. of 8-3-2010, Art. 3, § A)

Sec. 30-62. Permit procedures.

Application for a development permit shall be made to the land development officer on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) *Application stage.*

a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

b. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

c. Design certification from a registered professional engineer or architect that any proposed nonresidential floodproofed structure will meet the floodproofing criteria of subsection 30-72(2);

d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and

(2) *Construction stage.* For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The land development officer shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
(Ord. of 8-3-2010, Art. 3, § B)

Sec. 30-63. Duties and responsibilities of the administrator.

Duties of the land development officer shall include, but shall not be limited to:

(1) Review proposed development to assure that the permit requirements of this article have been satisfied.

(2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(4) When base flood elevation data or floodway data have not been provided in accordance with section 30-42, then the land development officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of division 4.

(5) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with subsection 60-62(2).

(6) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been floodproofed, in accordance with subsection 60-62(2).

(7) When floodproofing is utilized for a structure, the land development officer shall obtain certification of design criteria from a registered professional engineer or architect in accordance with subsection 30-62(1)c. and subsections 30-72(2) or 30-74(2).

(8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

(9) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(10) For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood-carrying capacity of any altered or relocated watercourse is maintained.

(11) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the land development officer shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(12) All records pertaining to the provisions of this article shall be maintained in the office of the land development officer and shall be open for public inspection.

(Ord. of 8-3-2010, Art. 3, § C)

Secs. 30-64—30-70. Reserved.

DIVISION 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 30-71. General standards.

In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(4) Elevated buildings. All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

b. So as not to violate the "lowest floor" criteria of this article, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

(Ord. of 8-3-2010, Art. 4, § A)

Sec. 30-72. Specific standards.

In all areas of special flood hazard the following provisions are required:

(1) *New construction and/or substantial improvements.* Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of subsection 30-71(4), "elevated buildings."

a. All heating and air conditioning equipment and components (including duct-work), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.

(2) *Nonresidential construction.* New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in subsection 30-63(6).

(3) *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data are available:

a. All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.

b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or

2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. subsection 30-71(6) above).

d. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

3. The recreational vehicle must meet all the requirements for "new construction," including the anchoring and elevation requirements of subsection (3)a., c., above.

(4) *Floodway.* Located within areas of special flood hazard established in section 30-42, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

b. Only if subsection (4)a. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of division 4.

(Ord. of 8-3-2010, Art. 4, § B)

Sec. 30-73. Building standards for streams without established base flood elevations and/or floodway (A zones).

Located within the areas of special flood hazard established in section 30-42, where streams exist but no base flood data have been provided (A zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided in accordance with section 30-42, then the land development officer shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of division 4. Only if data are not available from these sources, then the following provisions (2) and (3) shall apply:

(2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from

the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.

(3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 30-71(4) "elevated buildings."

a. All heating and air conditioning equipment and components (including duct-work), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

The land development officer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(Ord. of 8-3-2010, Art. 4, § C)

Sec. 30-74. Standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways.

Located within the areas of special flood hazard established in section 30-42, where streams with base flood elevations are provided but no floodways have been designated, (zones AE) the following provisions apply:

(1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with section 30-72.

(Ord. of 8-3-2010, Art. 4, § D)

Sec. 30-75. Standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in section 30-42, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

(1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the

flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection 30-71(4), "elevated buildings."

The land development officer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(2) New construction or the substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in subsections 30-62(1)c. and 30-62(2).

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. of 8-3-2010, Art. 4, § E)

Sec. 30-76. Standards for subdivisions.

(a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

(Ord. of 8-3-2010, Art. 4, § F)

Sec. 30-77. Standards for critical facilities.

(a) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

(b) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.
(Ord. of 8-3-2010, Art. 4, § G)

Secs. 30-78—30-90. Reserved.

DIVISION 5. VARIANCE PROCEDURES

Sec. 30-91. Variance procedures.

(a) The board of appeals as established by Murray County shall hear and decide requests for appeals or variance from the requirements of this article.

(b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the land development officer in the enforcement or administration of this article.

(c) Any person aggrieved by the decision of the board of appeals may appeal such decision to the Superior Court of Murray County, as provided in O.C.G.A. § 5-4-1.

(d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the board of appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

(h) Conditions for variances:

(1) A variance shall be issued only when there is:

a. A finding of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this article are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(4) The land development officer shall maintain the records of all appeal actions and report any variances to the federal Emergency Management Agency upon request.

(i) Upon consideration of the factors listed above and the purposes of this article, the board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
(Ord. of 8-3-2010, Art. 5)

Secs. 30-92—30-100. Reserved.

DIVISION 6. DEFINITIONS

Sec. 30-101. Definitions generally.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Accessory structure means a structure having minimal value and used for parking, storage and other nonhabitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction."

Appeal means a request for a review of the land development officer's interpretation of any provision of this article.

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 30-42.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means that portion of a building having its floor sub grade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

(1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

(2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

(3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(4) Generating plants, and other principal points of utility lines.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated building means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before August 15, 1990.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before July 3, 1990.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM) means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain means any land area susceptible to flooding.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Geodetic Vertical Datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after August 15, 1990, and includes any

subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after July 3, 1990, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after July 3, 1990.

North American Vertical Datum (NAVD) has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

Recreational vehicle means a vehicle, which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: accessory structures are not exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision the division of a single lot into two or more lots for the purpose of sale or development.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the "start of construction" of the improvement. Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this article, which permits construction in a manner otherwise prohibited by this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

(Ord. of 8-3-2010, Art. 6)

Chapters 31—33

RESERVED

Chapter 34

HEALTH AND SANITATION*

Article I. In General

Secs. 34-1—34-25. Reserved.

Article II. Individual Sewage Disposal Systems

Sec. 34-26. Rules, regulations adopted.
Sec. 34-27. Official copy.
Sec. 34-28. Violations.

***Cross references—**Animals, ch. 14; buildings and building construction, ch. 18; environment, ch. 26; floods, ch. 30; manufactured homes, ch. 38; solid waste, ch. 58; water, ch. 70.

State law reference—Health generally, O.C.G.A. § 31-1-1 et seq.

ARTICLE I. IN GENERAL

Secs. 34-1—34-25. Reserved.

ARTICLE II. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

Sec. 34-26. Rules, regulations adopted.

There shall be available sufficient unobstructed land area, meeting all requirements for the installation of an on-site sewage management system, to provide for the complete replacement of the absorption field. If the initial installation is by gravity flow, replacement shall be by the same. If the initial installation is by a dosing system, the replacement may be by the same. If the initial installation is by a chamber system, the replacement area shall be of a conventional type of on-site sewage management system.
(Ord. No. 31, § 1, 6-2-1998; Ord. No. 31, Amend. No. 1, 11-19-2003)

State law reference—Regulation of on-site sewage disposal systems, O.C.G.A. § 31-2-7.

Sec. 34-27. Official copy.

The office of the county clerk shall maintain an official copy of chapter 290-5-26 of the county board of health on-site sewage management systems, as amended.
(Ord. No. 31, § 2, 6-2-1998)

Sec. 34-28. Violations.

Any person who shall violate the regulations adopted in this article shall, upon conviction, be punished as provided in section 1-19 of this Code.
(Ord. No. 31, § 3, 6-2-1998)

Chapters 35—37

RESERVED

Chapter 38

MURRAY COUNTY MANUFACTURED HOUSING REGULATIONS*

Article I. In General

Division 1. Generally

Secs. 38-1—38-25. Reserved.

Division 2. Purpose; Definitions

Sec. 38-26. Purpose.
Sec. 38-27. Definitions.
Sec. 38-28. Approved manufactured home space.
Sec. 38-29. Campers or travel trailers.
Sec. 38-30. Lot.
Sec. 38-31. Manufactured home.
Sec. 38-32. Manufactured home park.
Sec. 38-33. Mobile home.
Sec. 38-34. Modular home.
Sec. 38-35. Nonconforming manufactured home parks.
Sec. 38-36. Stop work orders.
Sec. 38-37. Street (public).
Sec. 38-38. Street (private).
Sec. 38-39. Campground and recreational vehicle or camper.
Sec. 38-40. Permanent foundation or footing.

Secs. 38-41—38-50. Reserved.

Division 3. General Provisions

Sec. 38-51. Mobile home restriction.
Sec. 38-52. Manufactured home storage.
Sec. 38-53. Requirements for manufactured homes located outside manufactured home parks.
Sec. 38-54. Nonconforming manufactured home parks.
Sec. 38-55. Location disclosures and decal requirement.
Sec. 38-56. Issuance of permit.
Sec. 38-57. Permit application procedures.
Sec. 38-58. Regulations for manufactured home installers and movers.
Sec. 38-59. Penalty for violation of section.
Sec. 38-60. Exception to the issuance of a building permit.

***Cross references—**Buildings and building construction, ch. 18; attachment "C" manufactured homes, § 18-96 et seq.; environment, ch. 26; floods, ch. 30; health and sanitation, ch. 34; planning and development, ch. 50; roads, ch. 54; solid waste, ch. 58; water, ch. 70; subdivision regulations, app. A; zoning, app. B.

State law references—Ad valorem taxation of mobile homes, O.C.G.A. § 48-5-440 et seq.; issuance of mobile home location permits; display of decals, O.C.G.A. § 48-5-492; the Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.

Sec. 38-61. Minimum construction standards.
Sec. 38-62. Installation requirements.
Sec. 38-63. Inspection for manufactured homes.
Sec. 38-64. [Prohibition on RVs or campers within unincorporated areas of county; exceptions.]
Sec. 38-65. [Abandoned or homes in disrepair.]
Sec. 38-66. Restrictions on occupancy.
Sec. 38-67. Penalty for violation of section.
Secs. 38-68—38-100. Reserved.

Division 4. Manufactured Home Parks

Sec. 38-101. Procedures for development.
Secs. 38-102—38-110. Reserved.

Division 5. Manufactured Home Park Design Standards

Sec. 38-111. Soil and ground cover requirements.
Sec. 38-112. Location and frontage.
Sec. 38-113. Site drainage requirements.
Sec. 38-114. Streets.
Sec. 38-115. Off-street parking requirements.
Sec. 38-116. Lot area and width.
Sec. 38-117. Recreation and other community facilities.
Sec. 38-118. Setbacks required.
Sec. 38-119. Lighting.
Sec. 38-120. Water supply.
Sec. 38-121. Sewage disposal and treatment.
Sec. 38-122. Electricity.
Sec. 38-123. Refuse collection facilities.
Sec. 38-124. Service buildings.
Sec. 38-125. Listings of manufactured homes required.
Sec. 38-126. Posting of 911 numbers required.
Sec. 38-127. Restrictions on occupancy.
Secs. 38-128—38-150. Reserved.

Division 6. Enforcement

Sec. 38-151. Enforcement personnel.
Sec. 38-152. Violations.
Sec. 38-153. Procedure for non-compliance.

ARTICLE I. IN GENERAL

DIVISION 1. GENERALLY

Secs. 38-1—38-25. Reserved.

DIVISION 2. PURPOSE; DEFINITIONS

Sec. 38-26. Purpose.

The purpose of this chapter is to provide standards and regulations to protect the health, safety and general welfare of the citizens of Murray County. Murray County recognizes that manufactured housing meets the needs of many county residents for affordable housing and is compatible with site-built housing if developed in accordance with comparable standards. These regulations shall govern the use and operation of all manufactured homes on single lots or within parks used for permanent residential occupancy in Murray County, Georgia. It is the intent of these regulations to empower the Murray County Land Use Planning Commission, the Murray County Health Department, and the building inspections department to review the development of manufactured home sites and manufactured home parks within Murray County for the purposes stated in this ordinance.
(Ord. No. 54, 8-15-2003)

State law reference—Authority of county boards of health to regulate trailer parks and courts, O.C.G.A. § 31-28-5.

Sec. 38-27. Definitions.

For the purpose of these regulations, the following words and phrases shall have the meanings ascribed to them in this section. Terms not herein defined shall have the meaning customarily assigned to them.
(Ord. No. 54, 8-15-2003)

State law reference—Definitions, O.C.G.A. § 8-2-131.

Sec. 38-28. Approved manufactured home space.

Any lot or parcel of land designed and designated for the location of a manufactured home(s) as permitted under the Murray County Land Use District Ordinance, its accessory buildings or structures, and accessory equipment for exclusive use of the home meeting the requirements of this chapter.
(Ord. No. 54, 8-15-2003)

Sec. 38-29. Campers or travel trailers.

Any pick-up camper, motor home, travel trailer, tent trailer or similar recreational unit, not exceeding either eight feet, six inches in body width, or 40 feet in body length, designed primarily for use as a temporary unit for human occupancy, and which may have self-contained units for storage of water and wastewater.
(Ord. No. 54, 8-15-2003)

Sec. 38-30. Lot.

Lot means a portion of a subdivision, or any other parcel of land, intended as a unit of transfer or ownership, or for development, or both, and shall not include any part of the right-of-way or a street or road.
(Ord. No. 54, 8-15-2003)

Sec. 38-31. Manufactured home.

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 site, is 320 or more square feet and which was manufactured or built after June 15, 1976. Furthermore, manufactured homes are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification requirements by the Secretary of Housing and Urban Development and complies with the standards established in the National Mobile Home and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq.
(Ord. No. 54, 8-15-2003)

Sec. 38-32. Manufactured home park.

For the purpose of this chapter, the placement of two or more manufactured homes on any lot, parcel, or tract of land shall be considered a manufactured home park and shall comply with the manufactured home park requirements.
(Ord. No. 54, 8-15-2003; Amend. of 8-25-2010)

Sec. 38-33. Mobile home.

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 site, is 320 or more square feet and which was manufactured or built before June 15, 1976.
(Ord. No. 54, 8-15-2003)

Sec. 38-34. Modular home.

(a) A structure designed to be transported after fabrication and located as a permanent addition to and becoming a part of the real property. Such structure must meet minimum construction requirements of the Uniform Building Code, and must be set on a permanent foundation and is subject to all local building, land management, and housing regulations. Any such modular home meeting the requirements herein defined is not considered a mobile home or a manufactured home and is not subject to these manufactured home park regulations.

(b) No part of the chassis or frame shall remain under the home. The home shall be set onto a fixed foundation as per the building codes. If any part of the chassis remains affixed to the home, it is and will be considered a manufactured home.
(Ord. No. 54, 8-15-2003; Amend. of 8-25-2010)

Sec. 38-35. Nonconforming manufactured home parks.

Any manufactured home park which is not in compliance with these regulations at the time of their enactment.
(Ord. No. 54, 8-15-2003)

Sec. 38-36. Stop work orders.

A notice issued from the Murray County Building Inspector, land development officer, code enforcement officer, or their respective designee, that requires all work on a development to cease except corrective measures to the violation stated in the notice.
(Ord. No. 54, 8-15-2003)

Sec. 38-37. Street (public).

A right-of-way arising by purchase, dedication, or public which is maintained by a government entity or agency thereof; accessible to, supported and shared by all members of the public.
(Ord. No. 54, 8-15-2003)

Sec. 38-38. Street (private).

A right-of-way which meets all required design standards of a public road as described in the Murray County Road Design and Specifications Requirements but for purposes of controlled access or privacy is not dedicated to public use. Any such right-of-way shown on a plat or deed shall be recorded with a statement on the plan that the road is not intended to be maintained by a government entity or agency thereof.
(Ord. No. 54, 8-15-2003)

Sec. 38-39. Campground and recreational vehicle or camper.

(a) *Campground.* Any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more camping unit sites are offered for the use of the public or members of an organization for rent or lease. Campgrounds may or may not necessarily be designed to accommodate recreational vehicles.

(1) *Developed.* A campground accessible by vehicular traffic where sites are substantially developed with two or more utilities i.e. sewer, water or electricity, etc. are provided and refuse disposal and restrooms are available.

(b) *Recreational vehicle (RV).* A vehicular-type camping unit certified by the manufacturer as complying with ANSI 19.2 or AI 19.5 and primarily designed to provide travel and destination RV that either has its own motive power or is mounted on or towed by another vehicle. The basic units are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper.

(1) *Camping trailer.* A recreational vehicle that is mounted on wheels and constructed with collapsible partial side walls that folds for towing by another vehicle and unfold for use.

(2) *Fifth wheel trailer.* A recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above forward of the tow vehicle's rear axle.

(3) *Motor home.* A recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

(4) *Park trailer.* A recreational vehicle that meets the following criteria:

a. Built on a single chassis mounted on wheels.

b. Having a gross trailer area not exceeding 400 square feet in the set-up mode.

c. Certified by the manufacturer as complying with ANSI AI 19.5.

(5) *Travel trailer.* A recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is mounted behind the tow vehicle's bumper.

(6) *Truck camper.* A recreational vehicle consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

(c) *Recreational vehicle/dependant.* A recreational vehicle not containing sanitary facilities and devices for connecting said facilities to a community waste disposal system.

(d) *Recreational vehicle/independent.* A recreational vehicle containing sanitary facilities and devices for connecting said facilities to a community waste disposal system. This type of RV is also referred to as a self-contained recreational vehicle.

(e) *Recreational vehicle/gross trailer area.* The total plan area measured to the maximum horizontal projections of exterior walls in the set-up mode. Measurements shall be taken on the exterior floor plan. Square footage includes all siding, comer trims, moldings, storage spaces, areas enclosed by windows but not the roof overhangs (ref. HUD Interpretive Bulletin A-1-88). Expandable room sections, regardless of height shall be included. Storage lofts contained within the basic unit, which have ceiling heights less than five feet at the peak of the roof would not constitute additional square footage.

(f) *Recreational vehicle park.* Any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more camping unit sites are offered for the use of the public or members of an organization by rent or lease, including park-owned recreational vehicles held out for rent. RV parks are primarily designed to accommodate recreational vehicles.
(Ord. No. 54, Amend. No. 2, 12-7-2004)

Sec. 38-40. Permanent foundation or footing.

In any article, paragraph, sentence or any mention of the phrase, permanent foundation or footing in any portion of this article or rules and regulations, the term permanent foundation or footing shall mean the following:

(1) Since foundation or footing is defined as the base of what something is placed upon, all foundations or footings shall be of poured in place concrete of the proper compressive strength mix and the width and depth as determined by the manufacturers specifications, load bearing capacity of the soil where such foundation or footing is dug and per the building code regulations and/or the building inspectors determination.

(2) In no circumstance is the masonry skirting to be considered a permanent foundation since no part of the home shall rest or be supported by the skirting per the Georgia Rules and Regulations for Manufactured Housing.

(Amend. of 8-25-2010)

Secs. 38-41—38-50. Reserved.

DIVISION 3. GENERAL PROVISIONS

Sec. 38-51. Mobile home restriction.

No mobile home (see definition) shall be moved into Murray County or moved from one Murray County location to another for the purposes of habitation after the effective date of this chapter. A mobile home can only be moved for the purposes of proper disposal or to be located outside of Murray County.
(Ord. No. 54, 8-15-2003)

Sec. 38-52. Manufactured home storage.

Except as permitted by these regulations, no mobile home or manufactured home shall be parked, stored or occupied except in an existing manufactured home park or on an individual site in compliance with these and other Murray County land management regulations, or in conforming manufactured home sales lots or within the confines of a warehouse. In accordance with Law, no mobile/manufactured home shall be used for the purposes of storage.
(Ord. No. 54, 8-15-2003)

Sec. 38-53. Requirements for manufactured homes located outside manufactured home parks.

No more than one manufactured home shall be located on an individual lot, parcel or tract of land except in an approved manufactured home park and only in designated areas of the Murray County Land Use District Ordinance. Additionally, no more than one manufactured home shall be located on any lot; parcel or tract of land occupied by any other permanent dwelling or occupied building.
(Ord. No. 54, 8-15-2003)

Sec. 38-54. Nonconforming manufactured home parks.

Nonconforming manufactured home parks lawfully existing at the time of adoption of this chapter may be continued, but if such nonconforming use is discontinued for a period of six months, the manufactured home park shall be made to conform to the requirements of these regulations prior to its being occupied again. Any expansion or addition to an existing manufactured home park shall be in compliance with these and other Murray County land management regulations, as amended.
(Ord. No. 54, 8-15-2003)

Sec. 38-55. Location disclosures and decal requirement.

Every person holding title to or possessing a manufactured home which is placed or located within the limits of Murray County, shall report the location to, and obtain a location decal for, said manufactured home from the Tax Commissioner of Murray County annually, no later than May 1 of each year, unless the home is listed as a homestead exemption. Such location decal shall be designed in such manner and affixed to the manufactured home in such manner as to cause it to be easily visible for inspection.
(Ord. No. 54, 8-15-2003)

Sec. 38-56. Issuance of permit.

An approved building permit must be obtained for a manufactured home, whether locating or relocating said manufactured home, from the Building Inspector of Murray County, as prescribed in sections 38-57 and 38-58, indicating compliance with all applicable codes before any person or persons are authorized to occupy any newly installed manufactured home.
(Ord. No. 54, 8-15-2003)

Sec. 38-57. Permit application procedures.

An application for a building permit must be submitted and approved prior to the issuance of a permit to move a manufactured home into or within Murray County. The Murray County Building Official or his designee shall not issue the permit until the following conditions have been met in accordance with established administrative procedures:

(1) An application for a manufactured home building permit must be submitted and a standardized health and safety inspection must be performed by the building official

or his designee prior to the home being relocated or moved into Murray County. The process of the inspection will be at the discretion of the building official. If the home fails to meet the requirements of the health and safety inspection, then the application will be denied until which time the home is brought into compliance. Once all repairs are made and the home complies with all the regulations, including the land use ordinance and environmental health guidelines, then the application will be processed for the issuance of a building permit. The health and safety inspection guidelines will be on file in the building officials office and may be subsequently updated or revised by the building official as needed to ensure the health and safety of individuals and occupants of homes or as needed to comply with state law.

(2) A valid location decal must be issued from the tax commissioner's office and attached as provided in section 38-55.

(3) All manufactured homes must be located at an approved manufactured home space, or in an approved manufactured home park as defined within section 38-32 of this chapter.

(4) For individual lots not approved under the manufactured home park regulations, a sanitary permit must be obtained from the Murray County Health Department for on-site sewage disposal, or in the event that a municipality will provide sewer hookup, that municipality verifying that they will allow public sewer hook-up, must provide a letter.

(5) To re-locate a legally existing manufactured home in Murray County to another location in Murray County, the home shall have been manufactured or built after June 15, 1976.

(Ord. No. 54, 8-15-2003; Ord. No. 54, Amend. No. 1, 7-6-2004; Ord. No. 54, Amend. No. 3, 2-7-2006; Amend. of 8-25-2010)

Sec. 38-58. Regulations for manufactured home installers and movers.

The installer or mover shall comply with the following regulations for placing a manufactured home in the county. If such regulations are not complied with, then the affixed penalties shall be imposed.

(1) All installers and movers of manufactured homes that install or move homes in the county must be state certified per the state regulations and listed on an approved list in the building inspector's office.

(2) All installer's and/or movers must produce their license upon request and license must be current.

(3) Installer's and/or movers are responsible for complying with all local requirements concerning land use, utility connections, site preparation, and acquiring all required permits.

(4) At the time of transport, and during the transport, the installer and/or mover must have in their possession, an approved permit issued by the building inspector of the county.

(5) All permits must have been issued prior to moving the home onto the site.

(6) No manufactured home shall be placed on any tract or parcel of land until an inspection of the pad, where the home shall be sitting, has been performed by an inspector from the building inspection department. The pad shall be graded to remove all vegetation and be on natural soil and it has six inches of fall in ten feet from all sides of the home as per the state regulations. If any pad has been constructed by fill, then compaction of the pad shall be required and documentation of certified test results, with a minimum compaction of 95 percent modified proctor, shall be submitted to the building official prior to the home being set.

If any of these regulations are not complied with, then the penalties listed in section 38-59 shall be imposed.

(Ord. No. 54, 8-15-2003; Ord. No. 54, Amend. of 1-8-2008; Amend. of 8-25-2010)

Editor's note—An amendment adopted Aug. 25, 2010, changed the title of § 38-58 from "Regulations for mobile/manufactured home installers and movers" to "Regulations for manufactured home installers and movers."

Sec. 38-59. Penalty for violation of section.

For violation of any part of section 38-58, the following penalty shall be imposed:

(1) For the first offense of a violation of any provision of this section, the violator shall be issued a citation to appear in the county magistrate court and, upon conviction, shall be subject to a fine of not less than $600.00 and no more than $1,000.00 or confinement in the county jail not to exceed 60 days as per state law or by both fine and confinement in the discretion of the court.

(2) For a second violation, the fine shall be no less than $1,000.00 dollars and 15 days in jail.

(3) For a third or subsequent violation, the fine shall be no less than $1,000.00 and 30 days in jail and removal from the approved list of installer's and/or movers from the building inspectors office for a period of one year.

(4) In the event a home is installed or moved without a permit, the installer and/or mover, will remove the home from the site and return it to the point of origin and then the proper permits obtained. The installer and/or mover shall be responsible for all costs associated with such removal.

For the purposes of this section, the tax commissioner shall issue the aforementioned location decal, the building inspector shall issue the aforementioned manufactured home

permit, and the health department shall issue the aforementioned sanitary permit. Upon the approval and issuance of the above permits, a manufactured home may be moved into the county and installed for occupancy.
(Ord. No. 54, 8-15-2003; Amend. of 8-25-2010)

Sec. 38-60. Exception to the issuance of a building permit.

A building permit shall be required to locate a manufactured home in the county except under the following condition:

(1) Manufactured homes may be brought into the county and located on a sales lot of a state approved dealer as listed in the office of the state safety fire commissioner for sale without a building or sanitary permit. However, under no conditions shall any manufactured home, which is located on a sales lot, be occupied unless all permit requirements in these regulations are met. Installation must comply with the Rules and Regulations for Manufactured Homes, Chapter 120-3-7, Appendix A, made and promulgated by the state safety fire commissioner pursuant to authority set forth in O.C.G.A.

(Ord. No. 54, 8-15-2003)

Sec. 38-61. Minimum construction standards.

Each newly installed manufactured home in the county shall conform to the minimum construction standards required by the U.S. Housing and Urban Development, as required by the National Mobile Home and Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., before that manufactured home is entitled to receive any utility service to said manufactured home. It is the intent of this section of this chapter to prohibit moving manufactured homes into the county that do not conform to the applicable Housing and Urban Development Construction Standards, as expressed in 42 U.S.C. Section 5401 et seq., and regulations established pursuant to that Act. To that end, no manufactured home shall be allowed to locate for permanent or temporary occupancy in this county unless that manufactured home complies with the minimum construction standards required by the U.S. Housing and Urban Development, which compliance must be evidenced by the affixation of a permanently affixed label or tag certifying to the compliance as required by 42 U.S.C. Section 5415. Manufactured homes which do not display the certification required by 42 U.S.C. Section 5415 shall not be eligible for a county manufactured home and/or occupancy permit; provided, however, any manufactured home which legally exists in the county at the time of the passage of this ordinance shall not require said certification. Said existing manufactured home shall be freely transferable and re-locatable in the county, provided that said manufactured home has been inspected and approved by the building inspector for working smoke detector(s), adequate electrical system, and structural integrity, and provided that all installation requirements in sections 38-61 and 38-63 are met to the satisfaction of the building inspector.
(Ord. No. 54, 8-15-2003)

Sec. 38-62. Installation requirements.

Each newly installed manufactured home shall be installed according to the manufacturer's recommendations, Guide for Georgia Manufactured Housing and the installation standards adopted by the State of Georgia and administered by the Georgia State Fire Insurance Commissioner's Office, Installation of Manufactured Homes and Mobile Homes, O.C.G.A. §§ 8-2-160 through 8-2-168.
(Ord. No. 54, 8-15-2003)

Sec. 38-63. Inspection for manufactured homes.

The following requirements shall pertain to the installation of manufactured homes on individual lots or in parks:

(1) *Foundation.* The building inspector shall require the foundation to be inspected to ensure compliance with the Rules and Regulations for Manufactured Homes, as may be subsequently revised. These Rules and Regulations for Manufactured Homes are incorporated as a part of this chapter by reference.

a. Every footing installed for a manufactured home on any newly created or newly developed lot or home site, other than a manufactured home park space, shall be of concrete poured in place either in a strip fashion or in pier locations of the required depth, width and thickness according to the soil bearing capacity, the manufacturer's installation guidelines, the Georgia Rules and Regulations for Installation of Manufactured Homes and the discretion of the building inspector.

(2) *Plumbing.* The building inspector shall require the external plumbing system to be inspected, including water and sewage hookups; to ensure compliance with the Rules and Regulations for Manufactured Homes and the 2006 International Plumbing Code with Georgia State Amendments, as may be subsequently revised. Until the plumbing system is inspected and approved by the building inspector, no additional work will be approved.

(3) *On-site sewage lot area.* Manufactured home lots which are served by individual water supplies and individual on-site sewage management systems shall comply with the Murray County Environmental Health and Murray County Land Use District Ordinance rules and regulations which may be subsequently revised.

(4) *Electrical.* The building inspector shall require inspection of the electrical system to ensure compliance with the Rules and Regulations for Manufactured Homes and the National Electrical Code, as adopted by the governing authority of the county, and as may be subsequently revised.

a. All electrical connections that are pertinent to the operation of the home must be made by a licensed electrician.

b. All connections of any HVAC units must be made by a licensed HVAC contractor.

(5) *Gas.* The county building inspector shall require inspection of the gas system to ensure compliance with the standard gas code, as adopted by the county board of commissioners, and as may be subsequently revised.

(6) *Underpinning/skirting.* Each newly erected manufactured home shall have the area beneath each structure enclosed with a masonry type building material with an exception for rented spaces or rented lots where the building inspector may approve other materials manufactured for such purpose. Any manufactured home that is required to have masonry skirting shall have a perimeter footing of concrete poured in place of the minimum depth of six inches and minimum width of 12 inches for skirting constructed of concrete block so that it will support the skirting but shall not provide support for the home. All other masonry type skirting systems shall have a footing that must be approved by the building inspector.

(7) *Stairs and landings.* Each newly installed manufactured home shall have the area beneath and descending from all egress doors of the home a landing that is a minimum of 36 inches by 48 inches. Said landing with steps shall descend to the ground or ground level. The landing, steps and rails must be constructed of all-weather materials or manufactured kits. All construction and/or manufactured kits shall comply with the requirements of the Georgia State Minimum Standard Codes, including all amendments thereto, as adopted by the county commissioner and as may be subsequently revised.

(8) *Erosion and sedimentation.* Each newly installed manufactured home shall meet all requirements outlined in the Murray County Soil Erosion and Sedimentation Control Ordinance No. 44.

(9) *Driveway.* Each lot, tract, or parcel of land where a manufactured home is to be located shall have its own separate driveway that connects to a public road. In manufactured home parks each space or lot shall be served with its own driveway that connects to the main route of ingress or egress through the park.

Until the preceding inspections have been made and the manufactured home is found to be in compliance with all applicable codes, no permanent power may be installed, and no occupancy shall be permitted. Evidence of compliance will be shown by a certificate of occupancy, which includes written documentation provided to the applicant and a sticker attached to the electrical meter base. Occupancy is permitted upon issuance of the certificate of occupancy.

(Ord. No. 54, 8-15-2003; Ord. No. 54, Amend. No. 1, 7-6-2004; Amend. of 1-8-2008; Amend. of 8-25-2010; Amend. of 10-5-2010; Amend. of 10-4-2011)

Sec. 38-64. [Prohibition on RVs or campers within unincorporated areas of county; exceptions.]

No recreational vehicle or camper (see definitions) shall be placed on any parcel or tract of land for the purpose of occupancy within the unincorporated areas of the county.

Occupancy of these units will only be allowed in a recreational vehicle park or campground. Occupancy shall be limited to a maximum of 180 days within a calendar year. Permanent residency of these lots is prohibited.
(Ord. No. 54, Amend. No. 2, 12-7-2004)

Sec. 38-65. [Abandoned or homes in disrepair.]

No mobile or manufactured home shall be left abandoned or in a state of disrepair on any parcel or tract of land for a period longer than six months. Mobile or manufactured homes must be maintained to acceptable standards for occupancy. If such home reaches such state of disrepair, then it must be properly disposed of within six months.

(1) No mobile or manufactured home shall be designated or used as storage buildings.

(2) Reserved.

(3) The property owner of such parcel or tract of land is responsible for removing such homes and properly disposing of them.

(4) If someone other than the property owner has abandoned such home, then the property owner should have a reasonable course of action through a court of competent jurisdiction.

(Ord. No. 54, Amend. No. 2, 12-7-2004)

Sec. 38-66. Restrictions on occupancy.

A manufactured home shall not be occupied for dwelling purposes unless it has met the installation requirements in sections 38-61, 38-62, and 38-63 of this chapter, upon inspection by the building official or his designee.
(Amend. of 10-1-2013)

Sec. 38-67. Penalty for violation of section.

For violation of any part of section 38-66, the following penalty shall be imposed:

(1) For the first offense of a violation of any provision of this section, the violator shall be issued a citation to appear in the county magistrate court and, upon conviction, shall be subject to a mandatory fine of not less than $600.00 and no more than $1,000.00 or confinement in the county jail not to exceed 60 days as per state law or by both fine and confinement in the discretion of the court.

(Amend. of 10-1-2013)

Secs. 38-68—38-100. Reserved.

DIVISION 4. MANUFACTURED HOME PARKS

Sec. 38-101. Procedures for development.

All manufactured home parks developed after adoption of this chapter shall meet the following site plan requirements:

(1) *Site plan approval required.* All manufactured home park developments shall require site plan approval by the Murray County Land Use Planning Commission in accordance with the procedures and requirements established herein. Site plans required herein for the placement of two or more residential units shall contain the seal of a Georgia Registered Engineer or Surveyor. No building permits shall be issued for sites within any development until final approval is granted subject to all park plan requirements.

(2) *Submission of preliminary plan.* Prior to making any street improvements or installing any utilities, or other improvements, the developer shall submit six copies of a preliminary plan prepared in accordance with the provisions of this chapter to the Murray County Land Development Officer a minimum of 30 working days prior to the meeting date that the developer desires land use planning commission action. The preliminary plan shall include the following information:

a. The name of proposed park, and the name, address, and telephone number of the applicant.

b. The name, address, seal and signature of a registered surveyor or engineer certifying the accuracy of the plan.

c. Location map and legal description of the manufactured home park; north point (designated magnetic or true).

d. Complete plans to scale of one inch equals not more than 100 feet and specifications of the proposed park showing:

i. The area and dimensions of the tract of land.

ii. The number, locations, and dimensions of all manufactured home lots.

iii. The location and width of streets; the location and size of drainage mechanisms proposed, including the size of each application drainage area.

iv. The location of service buildings and other proposed structures.

v. The location of water and sewer lines and riser pipes.

vi. Plans and specifications of the water supply and refuse and sewage disposal facilities.

vii. Plans and specifications of all buildings constructed or to be constructed within the manufactured home park.

viii. The location of all streetlights.

ix. The location of bulk refuse containers, perimeter walls, and park identification signs.

x. The location, dimensions, and treatment of all required buffer or screening areas.

xi. A soil erosion and sedimentation plan meeting the requirements of the Murray County Soil Erosion and Sedimentation Control Ordinance, as may be subsequently amended.

xii. Identification of areas of special flood hazard.

xiii. Written tentative approval for an on-site sewage management system by the Murray County Board of Health.

(3) *Approval/disapproval of preliminary plan.* The Murray County Land Use Planning Commission shall have 30 days from the date of preliminary plan submission to approve or disapprove the preliminary plan for the proposed manufactured home park. Failure of the land use planning commission to act within 45 days shall be deemed approval of such plan.

(4) *Submission of final plan.* Approval of the preliminary plan by the Murray County Land Use Planning Commission shall authorize the developer to proceed with actual construction and development of the proposed manufactured home park. Upon completion of all required improvements, the developer shall submit the original and six copies of a final plan to the Murray County Land Use Planning Commission a minimum of 30 working days prior to the meeting date that the developer desires land use planning commission action. The final plan shall be drawn on reproducible material to a scale of one inch equals not more than 100 feet and shall include the following:

a. Name of manufactured home park.

b. Name and address of owner.

c. Scale, north arrow, and date.

d. Location sketch map.

e. Total number of acres in park.

f. Sufficient data to determine readily on the ground the location, bearing, and length of every street line, boundary line, and lot lines; and location of each manufactured home and buildings.

g. Final plan of sewage treatment system including location and size of sewer lines, septic tanks, drain fields, and points of discharge (if applicable).

h. Final plan of storm sewer system with grade, pipe sizes, and location of outlets.

i. Final plan of the water supply system including location and size of water lines, wells, storage tanks, and pumping stations, if any.

j. Final plan of buffer areas and screening, if required.

k. Final plan of the refuse collection system including size and location of dumpsters.

l. Designation and data on any flood hazard areas in accordance with Murray County Flood Damage Prevention Ordinance, as may subsequently be amended.

(5) *The final plan shall also include the following certifications:*

a. Certification by a registered engineer or surveyor attesting to the accuracy of the plan.

b. Certification(s) of approval of the water supply and sewerage systems by the appropriate authority(ies).

(6) *Approval of final plan.* Within 30 days after submission of the final plan together with all required supporting data and certifications, the land use planning commission shall review and approve or disapprove the plan. Failure of the land use planning commission to act within 45 days shall be deemed approval of such plan.

(7) *Development compliance.* At least 100 percent of each phase of all planned spaces, as well as all streets, utilities, and other required improvements necessary to serve them pursuant to these regulations must be completely constructed according to the manufactured home park plan approved by the land use planning commission before the first manufactured home location permit will be issued.

Failure of the developer or applicant to construct this minimum phase within two years after approval by the land use planning commission shall cause such approval to expire.

(Ord. No. 54, 8-15-2003; Amend. of 8-25-2010)

Secs. 38-102—38-110. Reserved.

DIVISION 5. MANUFACTURED HOME PARK DESIGN STANDARDS

Sec. 38-111. Soil and ground cover requirements.

Exposed ground surfaces in all parts of every manufactured home park shall be paved, or covered with stone, or other solid material, and must be in compliance with Murray County Soil Erosion and Sedimentation Control Ordinance No. 44.

(Ord. No. 54, 8-15-2003)

Sec. 38-112. Location and frontage.

A manufactured home park development shall be located on property with a minimum frontage of 100 feet on a public street which meets the requirements of the Murray County Road Design and Specifications Requirements.

(Ord. No. 54, 8-15-2003)

Sec. 38-113. Site drainage requirements.

The ground surfaces in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, and efficient manner. All lots shall comply with the Flood Damage Prevention Ordinance of Murray County.
(Ord. No. 54, 8-15-2003)

Sec. 38-114. Streets.

All manufactured home parks shall contain a street system designed to provide convenient circulation within the park, and shall have unobstructed access to public street or highway. The following requirements shall apply to the development of the park system:

(1) All internal streets shall meet the standards for manufactured home park set forth in the Murray County Road Design and Specifications Requirements.

(2) All culs-de-sac shall be constructed with a minimum 50-foot radius.

(3) All park streets shall be maintained in a state of good repair at all times by the owner(s) of the park.

(4) Street design, base preparation, and surface construction materials shall meet the requirements of the county street and road standards, written approval of the street system by the Murray County Land Use Planning Commission shall be required before the first building permit is issued.

(Ord. No. 54, 8-15-2003)

Sec. 38-115. Off-street parking requirements.

A minimum of two off-street parking spaces shall be provided in all manufactured home parks for the use of park occupants and guests.
(Ord. No. 54, 8-15-2003)

Sec. 38-116. Lot area and width.

A manufactured home park development shall have a minimum area of five contiguous acres. Individual unit spaces served with individual sewage systems shall be in conformance with section 38-63(3), with not less than a 100-foot minimum width at the building setback line and not less than 100 feet of frontage on all streets; with the exception of cul-de-sac lots, which may have a minimum street frontage of 35 feet. Individual lots served by governmental or non-governmental public water and public sewer shall have a minimum lot width and size as follows:

(1) Single section homes—40 feet wide—4,000 sq. ft.

(2) Multi-sectional homes—50 feet wide—5,000 sq. ft.

(Ord. No. 54, 8-15-2003)

Sec. 38-117. Recreation and other community facilities.

Not less than ten percent of the total area of the development shall be devoted to recreation and other community use facilities for those manufactured home parks containing 20 or more acres or 25 or more units.
(Ord. No. 54, 8-15-2003)

Sec. 38-118. Setbacks required.

(a) No manufactured home or accessory building or structure shall be located closer than 50 feet to any manufactured home park perimeter property boundary.

(b) Each manufactured home shall be setback from any other manufactured home by at least 40 feet.

(c) There shall be a minimum distance of 25 feet between any individual manufactured home and an adjoining street, common parking areas or other common areas.

(d) On-site septic systems shall be allowed to extend into all setback areas, provided a minimum 25 feet setback is maintained from the park perimeter.
(Ord. No. 54, 8-15-2003)

Sec. 38-119. Lighting.

All manufactured home parks shall have lighting of appropriate height, spacing and intensity so that each manufactured home site's access and parking is appropriately illuminated. Mercury vapor, or high or low-pressure sodium lights shall be installed at not more than 200-foot intervals with a minimum height of 18 feet.
(Ord. No. 54, 8-15-2003; Amend. of 8-25-2010)

Sec. 38-120. Water supply.

All manufactured home parks shall be required to provide an adequate, safe, and potable supply of water that is easily accessible for maintenance, meeting the following minimum requirements:

(1) *Governmental public water supply.* All manufactured home parks shall connect to a public water system if such system is located within 1,000 feet of the proposed park. The availability and adequacy of a public water supply shall be confirmed by the applicable agency having jurisdiction. If the public water supply is determined to be unavailable or inadequate for service, the land use planning commission may waive the requirement and allow an alternative water supply source.

(2) *Community water system.* If a single well is proposed to serve 15 or more service connections, or 25 or more persons, then such well and water distribution system must meet the standards for a Community Water System in accordance with the Rules of Georgia Department of Natural, Environmental Protection Division, Chapter 391-3-5, Rules for Safe Drinking Water, as amended.

(3) *Individual wells.* If individual wells are used, each well may be permitted to serve up to four service connections, provided that the construction method of each well shall meet the standards in accordance with the Georgia Annotated Code, O.C.G.A. §§ 12-5-120 through 12-5-138, The Water Well Standard Act of 1991, as amended.

(Ord. No. 54, 8-15-2003)

Sec. 38-121. Sewage disposal and treatment.

All manufactured home parks shall be required to provide either:

(1) A public or community sewerage treatment system approved by the appropriate governing agency; or

(2) An on-site sewage management system approved by the Murray County Health Department.

(Ord. No. 54, 8-15-2003)

Sec. 38-122. Electricity.

All electric installations shall meet the requirements of the current National Electrical Code, as amended.

Sec. 38-123. Refuse collection facilities.

Each manufactured home park shall be provided with a sanitary method of solid waste collection and disposal. Collection facilities shall be either in the form of bulk containers (dumpsters) of sufficient size and adequately distributed throughout the park to meet the needs of the park residents, or at least two individually covered refuse containers having a capacity of 30 gallons or less for each occupied lot. Bulk containers shall either be screened or sided so as to remain hidden from the public right-of-way enclosed with a minimum four-feet high chain link fence, and placed upon a concrete pad, extending at least 18 inches around each container perimeter. If individual containers are utilized, stands must be provided to hold the refuse containers upright. Collection services shall be provided at least once weekly and conveyed to the nearest approved sanitary landfill. Refuse areas shall be maintained in a clean, sanitary manner so as not to attract, harbor, or breed insects, rodents or any manner of vermin or pest. Refuse areas shall be located a minimum of 50 feet away from any public right-of-way.

(Ord. No. 54, 8-15-2003)

Sec. 38-124. Service buildings.

Accessory structures and community service facilities are hereby permitted for the convenience and well being of park residents. Such structures shall conform to the Georgia State Building Codes adopted by Murray County, as amended, and may include, but are not limited to the following uses:

(1) Park management offices, repair shops, and storage.

(2) Community sanitary facilities.

(3) Community postal facilities.

(4) Indoor community recreation areas.

(5) Commercial uses supplying essential goods or services for park residents.
(Ord. No. 54, 8-15-2003)

Sec. 38-125. Listings of manufactured homes required.

Every person, or other entity owning or operating a manufactured home park, and each such entity engaged in the sale or rental of manufactured homes or lots upon which to place them, shall furnish the Tax Commissioner of Murray County on January 1 and July 1 of each year with a complete list of all manufactured homes parked, rented or otherwise located upon the property of the entity or in a manufactured home park operated by the entity.
(Ord. No. 54, 8-15-2003)

Sec. 38-126. Posting of 911 numbers required.

The owner of a manufactured home park, shall post the correct 911 address of each individual lot or space, and maintain them in a manner so as to be quickly and easily visible.
(Ord. No. 54, 8-15-2003)

Sec. 38-127. Restrictions on occupancy.

A manufactured home shall not be occupied for dwelling purposes unless it has met the installation requirements in sections 38-61, 38-62, and 38-63 of this chapter, upon inspection by the building official or his designee.
(Ord. No. 54, 8-15-2003; Amend. of 8-25-2010)

Secs. 38-128—38-150. Reserved.

DIVISION 6. ENFORCEMENT

Sec. 38-151. Enforcement personnel.

The building inspector, land development officer and department of code enforcement, or their respective designee, are hereby authorized to enforce the provisions of this article.
(Ord. No. 54, 8-15-2003)

Sec. 38-152. Violations.

In cases where a violation of this chapter has been determined, the building inspector, land development officer, code enforcement officer, or their designee, shall have the authority to issue stop work orders or a period of time to correct the violation. Code enforcement officers shall have the authority to issue citations requiring appearance in Murray County

Magistrate Court. Violations of the provisions of this article shall be punished as provided in section 1-19 of this code, except violations of section 38-58, which penalties are set forth in section 38-59.
(Ord. No. 54, 8-15-2003)

Sec. 38-153. Procedure for non-compliance.

In cases where a violation has occurred, and the violator has not remedied the violation within the specified time period, or in cases where stop work orders have not been fully complied with, the Murray County Code Enforcement Officer, upon notification from the building inspector or land development officer of such violation or non-compliance, shall issue a citation requiring appearance in Murray County Magistrate Court. Said citation shall include any and all violations found by the building inspector, land development officer or code enforcement officer.
(Ord. No. 54, 8-15-2003)

Chapters 39—41

RESERVED

Chapter 42

OFFENSES AND MISCELLANEOUS PROVISIONS*

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***Cross references—**Courts, ch. 22; traffic and motor vehicles, ch. 66.

State law references—Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.; limitation on home rule powers of municipal corporations with respect to duplication of state criminal offenses, O.C.G.A. § 36-35-6(a)(2).

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ARTICLE I. IN GENERAL

Sec. 42-1. Disorderly conduct.

(a) Any person who shall do or engage in any of the following acts or things within the unincorporated area of Murray County, Georgia, shall be guilty of disorderly conduct and shall be punished in accord with the provisions of this section. Such acts or things which shall constitute disorderly conduct are more particularly described as follows:

(1) Fighting or quarreling or acting in such a manner as to annoy or disturb the peace, quiet, comfort or repose of persons in any office, school building, hospital or in any dwelling, hotel, or other type residence, or of any persons in the vicinity.

(2) Using any indecent, vulgar, opprobrious, obscene, threatening or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that's to say words that are common knowledge and under normal circumstance will when used to or in front of another person naturally tend to provoke violent resentment that is words commonly called "fighting words".

(3) Striking or attempting to strike another.

(4) Assemble or congregate with another or with others to cause, provoke, or engage in any fight or brawl.

(5) Collect in bodies or in crowds and engage in unlawful activities and fail to withdraw from the assembly on being lawfully commanded to do so by a peace officer.

(6) Create by or in any manner loud noises which disrupt, disturb, or otherwise interfere with the peace and tranquility of the public.

(7) Interfere, by acts of violence, with another's pursuit of a lawful occupation.

(8) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace.

(9) Defecating or urinating or exposing genitals or female breast; on or adjacent to any street or sidewalk or in any public or quasi-public parking lot or in the halls, elevators, stairways, or any other area designated for public passage within any public or commercial buildings or on any property open to public view.

(10) For any person to peddle or sell door to door his or her service or the services of another or any item without a county, state, business, professional or other legal and binding license or permit; unless said individual is raising money for a local not for profit event such as for his/her school, church, etc.

(11) Knowingly invite, allow, permit, a person(s) under the age of 21 to gather, collect, assemble in any building or upon any land for the purpose of consuming alcoholic beverages in violation of state law and or any person(s) to keep and maintain a common, ill-governed, disorderly place which encourages gaming, drinking, misbehavior or disturbance of any neighborhood or orderly citizen(s).

(12) Any person who commits any act against public safety, morality and decency, or who exhibits any other conduct that is manifestly disorderly that tends to disturb or debauch the morals of any person or persons anywhere in the county.

(Ord. No. 2, §§ 1, 2(a), 9-12-1985; Amend. of 3-8-2016)

State law references—Similar provision and authority for local regulation, O.C.G.A. § 16-11-39; arrest for violation of county ordinance, O.C.G.A. § 15-10-62.

Sec. 42-2. Loitering or prowling.

(a) A person commits the offense of loitering or prowling when he is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(b) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identity himself, or manifestly endeavors to conceal himself or any object. Unless by flight the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or it appears at a trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(Ord. No. 5, 6-2-1987)

State law references—Similar provision and authority for local regulation, O.C.G.A. § 16-11-36; arrest for violation of county ordinance, O.C.G.A. § 15-10-62.

Sec. 42-3. Public drunkenness.

A person who shall be and appear in an intoxicated condition in any public place or within the cartilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language, is guilty of public drunkenness.

(Ord. No. 4, § 1, 6-2-1987)

Cross reference—Alcoholic beverages, ch. 6.

State law references—Similar provision and authority for local regulation, O.C.G.A. § 16-11-41; arrest for violation of county ordinance, O.C.G.A. § 15-10-62.

Sec. 42-4. Obstruction of law enforcement officer or county official.

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

County official means any and all employees of Murray County which do not have powers of arrest, including, but not limited to tax assessors, land use officials, building inspectors and public works employees, firefighters, paramedics and emergency medical technicians.

Law enforcement officer means any and all employees of Murray County, Georgia which have valid powers of arrest, including but not limited to code enforcement officers, police officers, and animal control officers.

Lawful discharge means, as used within this Code section, this term shall mean a person, with valid arrest powers, performing duties and job obligations related to the enforcement of local, state, and federal laws.

(b) It shall be unlawful for any person to obstruct, interfere, or hinder any law enforcement officer, or county official in any form or fashion, while the officer or official is engaged in the lawful discharge of their duties pursuant to the terms and provisions of the Murray County, Georgia Code of Ordinances.
(Ord. No. 57, 6-7-2005; Amend. of 3-8-2016)

State law reference—Similar provision, O.C.G.A. § 16-10-24.

Editor's note—An amendment adopted March 8, 2016, changed the title of § 42-4 from obstruction of law enforcement officer to read as herein set out.

Sec. 42-5. False alarms.

(a) *Definitions.*

Automatic response alarm system means a device intended to detect and signal intrusion in a closed premises or upon a premises or to signal a robbery, in which signal and alarm system business, monitoring station or other entity.

Independent alarm system means a device intended to detect and signal intrusion into a closed premises or upon a premises or a robbery, in which does not automatically signal an alarm system business, monitoring station or other entity.

Automatic dialing device means any device connected to an alarm system which automatically sends a pre-recorded message or coded signal indicating the activation of the alarm system to a predetermined location.

False alarm means the activation of a burglary and/or robbery alarm at a time when no burglary or robbery is being committed or attempted on the premises.

Multiple alarm sites means more than one alarm system on the premises.

Response means the dispatch of the county sheriffs deputies or members of the county fire department, either paid or volunteer, to the premise where an alarm system has been activated indicating a burglary and/or robbery in progress on those premises.

(b) *Automatic dialers; automatic response alarm systems.* It shall be unlawful to key automatic dialer burglar alarms or robbery alarms, or any automatic response alarm system (burglary or robbery) to any county sheriffs department telephone number, including 911, or location. Such alarm shall only be keyed to a private answering service who can then notify the county sheriffs department or 911.

(c) *False alarms.*

(1) Fees for response. Per the county sheriffs response to any false alarm of any automatic alarm response system or independent alarm system, the county sheriff or his lawful deputies shall charge and collect from the person, business or legal entity, using or maintaining the automatic response alarm system or independent alarm system, fees as follows:

a. For a first or second response to a premises at which no other false alarm has occurred within a calendar year, no fee shall be charged.

b. For a third response to a false alarm within a calendar year, no fees shall be charged, but notice shall be given to the person or business using or maintaining the alarm system of the false alarms and the requirements of this section, including the fee requirement for any subsequent response to a false alarm response by the county sheriffs department within the calendar year.

c. Upon a fourth response to a false alarm at the premises within a calendar year, a fee of $50.00 shall be charged to the person occupying the premises.

d. Upon a fifth response to a false alarm within the calendar year, a fee of $75.00 shall be charged; and for all succeeding responses within the calendar year a fee of $100.00 shall be charged per response.

(d) *Automatic cutoff system.* All audible alarms, sirens, bells, or horns shall have an automatic cutoff so that the alarm will not operate for more than 30 continuous minutes after activation.

(e) *Penalties.* Any person, firm, or corporation violating the provisions of this section shall be fined as provided by subsection (c) above by the magistrate court of the county, for each such offense. No fine or penalty shall be assessed for acts of God, nature or beyond human control as determined in the sole discretion of the county sheriff deputy responding to the alarm.
(Ord. No. 40, §§ 1—5, 11-2-1999)

Sec. 42-6. Harassment of a 911 operator, law enforcement officer, firefighter or emergency medical technician.

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

Call means any communication, message, signal, or transmission.

False report means the fabrication of an incident or crime or of material information relating to an incident or crime which the person making the report knows to be false at the time of making the report.

Harass means to knowingly and willingly engage in any conduct directed toward a communications officer that is likely to impede or interfere with such communications

officer's duties, that threatens such communication officer or any member of his or her family, or that places any member of the public served or to be served by 9-1-1 service in danger of injury or delayed assistance.

Harassing means the willful use of opprobrious and abusive language which has no legitimate purpose in relation to imparting information relevant to an emergency call.

9-1-1 means a public safety answering point or the public safety agency which receives incoming 9-1-1 telephone calls and dispatches appropriate public safety agencies to respond to such calls.

The term *9-1-1* also means the digits, address, Internet Protocol address, or other information used to access or initiate a call to a public safety answering point.

(b) It shall be unlawful to knowingly and willfully harass or attempt to harass or mislead any E-911 operator or law enforcement officer or firefighter or emergency medical technician by false alarms or repeatedly dialing 911 and hanging up or any unauthorized use of any device of whatever nature to summon law enforcement, firefighters, or emergency medical provider aid without reasonable cause.

(c) A person commits the offense of unlawful conduct during a 9-1-1 telephone call if he or she:

(1) Without provocation, uses obscene, vulgar, or profane language with the intent to intimidate or harass a 9-1-1 communications officer;

(2) Calls or otherwise contacts 9-1-1, whether or not conversation ensues, for the purpose of annoying, harassing, or molesting a 9-1-1 communications officer or for the purpose of interfering with or disrupting emergency telephone service;

(3) Calls or otherwise contacts 9-1-1 and fails to hang up or disengage the connection for the intended purpose of interfering with or disrupting emergency service;

(4) Calls or otherwise contacts 9-1-1 with the intention to harass a communications officer; or

(5) Calls or otherwise contacts 9-1-1 and makes a false report.

(d) Any violation of subsection (b) of this Code section shall be considered to have been committed in any county where such call to or contact with 9-1-1 originated or in any county where the call to or contact with 9-1-1 was received.
(Amend. of 3-8-2016)

Sec. 42-7. Giving false name, address, or birthdate to a law enforcement officer, 911 operator, firefighter or emergency medical technician or other county official.

(a) It shall be unlawful to knowingly and willfully provide a false name, address, date of birth or social security number or any personal identification information in an effort to mislead as to his or her identity or personal identification to the county sheriff, his or her

lawful deputies, the county marshal, his or her lawful deputies, a county code enforcement or land development officer, animal control officer, animal shelter staff, firefighter, emergency medical technician, paramedic or other arresting officer.
(Amend. of 3-8-2016)

Sec. 42-8. Destruction of property.

(a) It shall be unlawful for any person(s) to intentionally damage or deface property owned by any other person(s) in any form, fashion or by any means.
(Amend. of 3-8-2016)

Sec. 42-9. Landlords duties as to utilities.

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

Landlord(s). A landlord is the owner of a house, apartment, condominium, land or real estate which is rented or leased to an individual or business.

Tenant. One that pays rent to use or occupy land, a building, or other property owned by another. A person who has the use of a house, flat, etc., subject to the payment of rent. Any holder or occupant.

Utilities. As used in this Code section, "utilities" means heat, light, and water service.

(1) It shall be unlawful for any landlord, knowingly and willfully to suspend the furnishing of utilities to a tenant until after the final disposition of any dispossessory proceedings by the landlord against such tenant. Upon a perceived violation of this section, the authorized law enforcement officer shall attempt to allow landlord to remedy the same in an expedient fashion without citation. However, within the discretion of the authorized law enforcement officer a citation shall issue and the landlord shall be subjected to an emergency Rule Nisi hearing for the landlord to show cause why immediate compliance should not be afforded due to the extreme gravity of the nature of non-compliance and to assess any fines associated with said violation at any time after the landlord is given 24-hour notice, by personal service as the court may demand.

(2) Any person who violates of this Code section shall, upon conviction, be assessed a fine not to exceed $500.00.

(Amend. of 3-8-2016)

Sec. 42-10. Enforcement.

This article shall be enforced by any authorized law enforcement officer of the county or the county commissioner.
(Amend. of 3-8-2016)

Sec. 42-11. Penalty.

Any person violating any provision of this article, except for section 42-9 which carries its own penalty section, shall be punished as provided in section 1-19 of this Code.
(Amend. of 3-8-2016)

Secs. 42-12—42-30. Reserved.

ARTICLE II. TOBACCO USE IN COUNTY FACILITIES*

Sec. 42-31. 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:

County facilities, facilities of the county, means all facilities including buildings, grounds and parking lots owned, leased, or operated by Murray County and/or occupied by the county and its agents and employees.

County vehicle means all vehicles owned, leased, or operated by Murray County.

Tobacco use means any act of burning, chewing, dipping, or use of any kind of any tobacco product or related device.
(Amend. of 3-4-2014)

Sec. 42-32. Restricted areas.

No person shall use tobacco at any of the following facilities of the county:

(1) Restrooms;

(2) Reception areas and lounges;

(3) Waiting rooms and hallways;

(4) Employee work areas;

(5) Auditoriums, conference and meeting rooms, public assembly and chambers;

(6) Incarceration facilities;

(7) Facility grounds or parking lots.
(Amend. of 3-4-2014)

***Editor's note—**An amendment adopted March 4, 2014, amended art. II in its entirety to read as herein set out. Former art. II, §§ 42-31—42-34 pertained to smoking in county facilities, and derived from Ord. No. 17, §§ 1—4, adopted July 6, 1993.

State law references—Georgia Smokefree Air Act of 2005, O.C.G.A. § 31-12A-3; similar provision and authority for local regulation, O.C.G.A. § 16-12-2; authority for local regulation, O.C.G.A. § 31-12A-12.

Sec. 42-32.1. Tobacco use in county vehicles.

Tobacco use shall be prohibited in all vehicles owned, leased, or operated by Murray County at all times.
(Amend. of 3-4-2014)

Sec. 42-33. Enforcement.

This article shall be enforced by any authorized law enforcement officer of the county or the county commissioner.
(Amend. of 3-4-2014)

Sec. 42-34. Penalty.

Any person violating any provision of this article shall be punished as provided in section 1-19 of this Code.
(Amend. of 3-4-2014)

Secs. 42-35—42-60. Reserved.

ARTICLE III. OPEN BURNING

Sec. 42-61. Permit required for burning woods, lands, marshes, or other flammable vegetation; exceptions.

(a) *How permit obtained.* Except as provided in subsections (b) and (c) of this section, any person lawfully entitled to burn any woods, lands, marshes, or any other flammable vegetation, whether in cultivated or uncultivated areas, shall, prior to such burning in the unincorporated area of the county, obtain a permit therefor from the state forest ranger located in the county or from another employee of the state forestry unit serving the county who is authorized by the chief forester of such unit to grant such permits. An applicant for a permit shall provide the state forest ranger or other authorized employee of the forestry unit serving the county with the location and recommended time of the proposed burn. Such information may be provided and the permit may be obtained by a telephone call to the state forest ranger or to another authorized employee of the forestry unit serving the county. The permit shall be given by providing the applicant therefor with a permit number which will grant permission for a control burn to take place at the location specified by the applicant at a time approved by the state forest ranger or by the other authorized employee of the forestry unit serving the county.

(b) *Emergencies.* It shall not be necessary to obtain a permit otherwise required by subsection (a) of this section if a sudden emergency requires a firing in order to render one's premises safe. In any prosecution under this section, unnecessary firing in a sudden emergency shall constitute an affirmative defense, but the burden of proving such necessity shall rest upon the person asserting it as a defense.

(c) *Fires on improved pastures and crop land.* It shall not be necessary to obtain a permit otherwise required by this section to burn improved pastures or residue on cultivated crop land if the person intending to burn such residue shall, prior to such burning, give notice of the approximate time and location thereof to the state forest ranger located in the county or to an employee of the forestry unit serving the county who is authorized to grant permits under subsection (a) of this section.

(d) *Permit in addition to other permits and requirements.* The notice or permit required by this section shall be in addition to any other notice or permit or other requirement for burning provided for by law.

(Ord. No. 26, § 1, 8-5-1997)

State law reference—Similar provision and restriction of local regulation to that consistent with state statute, O.C.G.A. § 12-6-90.

Sec. 42-62. Controlled burning by owners over own forest land.

Unless prohibited by the director of the state forestry commission pursuant to provisions of O.C.G.A. § 12-6-17, the owners of any forest land may accomplish controlled burning over their own land when a permit therefor is obtained prior to the requirements of section 41-61 and the fire is not allowed to spread onto or over the land of another or others.

(Ord. No. 26, § 2, 8-5-1997)

Sec. 42-63. Restrictions on open burning.

The language in subsection 42-61(a) which allows for the lawful burning of any woods, lands, marshes, or other flammable vegetation, whether in cultivated or uncultivated areas, even when a proper permit is obtained, shall still be limited in that, even with a permit, no person shall cause, suffer, allow, or permit open burning in any area of the unincorporated area of the county except as follows:

(1) Reduction of leaves on the premises on which they fall by the person in control of the premises;

(2) Carrying out recognized agricultural procedures necessary for production or harvesting of crops;

(3) Destruction of combustible demolition or construction materials either on site or transported to a burning facility upon approval by the director of the environmental protection division;

(4) The burning over of any forest land by the owners of such land;

(5) For recreational purposes or cooking food for immediate human consumption;

(6) Fires set for purposes of training firefighting personnel when authorized by the appropriate governmental entity in the guidelines set forth by the director of the environmental protection division are strictly observed;

(7) Disposal of tree limbs from storm damage;

(8) For weed abatement, disease, and pest prevention;

(9) Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters, and other flame-making equipment;

(10) Setting and maintenance by contractors and tradesmen of miscellaneous small fires necessary to such activities as street paving work installation or repair of utilities, provided that such fires are kept small in size and no smoke emissions exceed 40 percent opacity;

(11) Open burning in other than predominately residential areas for the purposes of land clearing or construction or right-of-way maintenance, provided the following conditions are met:

a. Prevailing winds at the time of the burning are away from the major portion of the area's population;

b. The location of the burning is at least 1,000 feet from any dwelling located in a predominately residential area;

c. The amount of dirt on or in the material being burned is minimized;

d. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth are not being burned;

e. No more than one pile 60 feet by 60 feet, or equivalent, is being burned within a nine-acre area at one time.

(12) Disposal of all packaging materials previously containing explosives, in accordance with the U.S. Department of Labor Safety Regulations;

(13) Open burning of vegetative material for the purpose of land clearing using an air curtain destructor, provided the following conditions are met:

a. Authorization for such open burning is received from the county fire department as it has local jurisdiction over the open burning location prior to the initiation of any open burning at such location.

b. The location of the air curtain destructor is at least 300 feet from any occupied structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval of the environmental protection division of the state.

c. No more than one air curtain destructor is operated within a ten-acre area at one time or there must be at least 1,000 feet between any two air curtain destructors.

d. Only wood waste consisting of trees, logs, large brush, and stumps which are relatively free of soil are burned in the air curtain destructor.

e. Tires or other rubber products, plastics, heavy oils or asphaltic based, or impregnated materials are not used to start or maintain the operation of the air curtain destructor.

f. The air curtain destructor is constructed, installed, and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke.

g. The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust.

(Ord. No. 26, § 3, 8-5-1997)

Sec. 42-64. Burning complaints.

(a) The county fire department and personnel assigned shall have the authority to extinguish any open burning which is in violation of any of the provisions of this article, and/or which constitutes an immediate threat to life and property.

(b) Any complaint requiring the dispatch of fire department units shall be investigated. After such investigation the officer in charge shall determine if any provision of this article has been violated or constitutes a nuisance.

(c) During the investigation of burning complaints and the officer in charge has determined that a violation exists, the officer may elect to call code enforcement for appropriate action.

(Ord. No. 26, § 4, 8-5-1997)

Sec. 42-65. Penalties.

Any person who violates any of the provisions of this article hereby adopted or fails to comply therewith shall, for each and every violation and noncompliance respectively, be guilty of a misdemeanor as defined by the state. The imposition of one penalty for any violation shall not excuse this violation to continue. Penalties cannot exceed $1,000.00 or imprisonment of more than 60 days, or both, with the amount of the fine/imprisonment being within the discretion of the magistrate court of the county based upon the severity or repetition of the infraction.

(Ord. No. 26, § 5, 8-5-1997)

ARTICLE IV. STREET SOLICITATIONS

Sec. 42-66. General provisions

Charitable organizations registered in accordance with O.C.G.A. § 43-17-5 and such other organizations exempt from registration in accordance with O.C.G.A. § 43-17-9 are authorized to solicit charitable contributions along, upon or over the public streets, roads, alleys or thoroughfares within the unincorporated portion of Murray County, Georgia, subject to compliance with the requirements of this section.

(Amend. of 3-16-2015)

Sec. 42-67. Permit requirements and process.

(a) Charitable organizations seeking a permit pursuant to this section shall file an application, upon a form to be provided by Murray County Commissioner's Office, a minimum of seven business days prior to the proposed solicitation event. Such application shall include the name, address, and telephone number of the organization, the officers of the organization, documentary proof of registration of the organization in accordance with O.C.G.A. § 43-17-5 or proof of exemption from such registration in accordance with O.C.G.A. § 43-17-9, the date(s), time(s), place(s), and names and ages of participants of the proposed solicitation and shall include an agreement by the organization to hold harmless and to indemnify Murray County from any and all liability for injury or damage arising out of the permitted solicitation. A permit fee of $15.00 per event day shall be paid upon submission of the application.

(1) The sponsoring organization shall hold a current and valid policy of insurance providing compensation to any member or participant or member of the general public suffering bodily injury or damage arising out of the activity of solicitation in an amount not less than $1,000,000.00 single limit or its equivalent. The county shall be an additional named insured on such policy during all solicitation periods and the sponsoring organization shall provide the county with a certificate from the insurer to that effect;

(2) All individuals requesting permission to solicit contributions on behalf of an organization applying for a permit hereunder shall be not less than 21 years of age, and execute and deliver a waiver and release of any liability in favor of the county prior to solicitation;

(3) All individuals authorized to solicit contributions on behalf of organizations pursuant to this section shall wear reflective safety vests or other similar reflective safety apparel at all times;

(4) No location shall be permitted other than the location approved by the Sheriff of Murray County or his delegate;

(5) No permit shall allow the permitted activity at any time other than Monday through Saturday between the hours of 9:00 a.m. and 5:00 p.m.;

(6) Organizations shall maintain a copy of the permit available for inspection during the course of any solicitation;

(7) Permits shall be nontransferable and shall expire not more than 30 days after issuance;

(8) No person or sponsoring organization shall be provided more than ten permits during any calendar year.

(b) Either the sheriff, his duly authorized representative, or the county commissioner may revoke any permit issued to any organization upon receipt of a credible report of the use of vulgar, insulting, offensive, or threatening language during the course of any solicitation

or upon reasonable cause to believe that such solicitation is causing a potential traffic hazard, danger to motorist(s), danger to any individual involved in the solicitation, or that any other federal, state, or local law, rule, or regulation has been violated during the course of any solicitation.
(Amend. of 3-16-2015)

Sec. 42-68. Penalties.

Any person who violates any of the provisions of this article hereby adopted or fails to comply therewith shall, for each and every violation and noncompliance respectively, be guilty of a misdemeanor as defined by the state. The imposition of one penalty for any violation shall not excuse this violation to continue. Penalties cannot exceed $1,000.00 or imprisonment for more than 60 days, or both, with the amount of the fine/imprisonment being within the discretion of the magistrate court of the county based upon the severity or repetition of the infraction.
(Amend. of 3-16-2015)

Secs. 42-69—42-85. Reserved.

ARTICLE V. ILLICIT DISCHARGE AND ILLEGAL CONNECTION*

Sec. 42-86. General provisions.

(a) *Purpose and intent.* The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the county separate storm sewer system to the maximum extent practicable as required by federal law. This article establishes methods for controlling the introduction of pollutants into the (municipal/county) separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this article are to:

(1) Regulate the contribution of pollutants to the county separate storm sewer system by any person;

(2) Prohibit illicit discharges and illegal connections to the county separate storm sewer system;

(3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the (municipal/county) separate storm sewer system; and

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***Editor's note—**An amendment adopted Jan. 6, 2015, enacted provisions designated as art. IV, §§ 42-86—42-92. Inasmuch as said article already exists, the provisions have been redesignated as art. V, §§ 42-86—42-92 at the discretion of the editor.
Subsequently, an amendment adopted Aug. 4, 2015, repealed art. V, §§ 42-86—42-92, and enacted new provisions to read as herein set out.

(4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

(b) *Applicability.* The provisions of this article shall apply throughout the jurisdictional limits of Murray County.

(c) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(d) *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

(e) *Responsibility for administration.* The Murray County Land Use Administrator or designee, shall administer, implement, and enforce the provisions of this article.
(Amend. of 8-4-2015)

Sec. 42-87. 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:]

Accidental discharge means a discharge prohibited by this article which occurs by chance and without planning or thought prior to occurrence.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Illicit discharge means any direct or indirect non-stormwater discharge to the county separate storm sewer system, except as exempted in section 42-88 of this article.

Illegal connection means either of the following:

(1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system,

regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any pipe, open channel, drain or conveyance connected to the county separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Murray County Separate Storm Sewer System means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, Murray County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is:

(1) Owned or maintained by Murray County;

(2) Not a combined sewer; and

(3) Not part of a publicly-owned treatment works.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any

liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single person.

Stormwater runoff or *stormwater* means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.
(Amend. of 8-4-2015)

Sec. 42-88. Prohibitions.

(a) *Prohibition of illicit discharges.* No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the Murray County separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

(1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

(2) Discharges or flows from fire fighting, and other discharges specified in writing by Murray County as being necessary to protect public health and safety;

(3) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the

permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the (municipal/county) separate storm sewer system.

(b) *Prohibition of illegal connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the county separate storm sewer system is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person violates this article if the person connects a line conveying sewage to the county separate storm sewer system, or allows such a connection to continue.

(3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon written approval of the Chatsworth Water Works Commission.

(4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Murray County Land Use Administrator or designee, requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Murray County Land Use Administrator or designee.

(Amend. of 8-4-2015)

Sec. 42-89. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Murray County Land Use Administrator or designee prior to allowing discharges to the county separate storm sewer system.
(Amend. of 8-4-2015)

Sec. 42-90. Access and inspection of properties and facilities.

The Murray County Land Use Administrator or designee shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.

(1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Murray County Land Use Administrator or designee.

(2) The owner or operator shall allow the Murray County Land Use Administrator or designee ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.

(3) The Murray County Land Use Administrator or designee shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Murray County Land Use Administrator or designee to conduct monitoring and/or sampling of flow discharges.

(4) The Murray County Land Use Administrator or designee may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Murray County Land Use Administrator or designee. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Murray County Land Use Administrator or designee and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

(6) Unreasonable delays in allowing the Murray County Land Use Administrator or designee access to a facility is a violation of this article.

(7) If the Murray County Land Use Administrator or designee has been refused access to any part of the premises from which stormwater is discharged, and the Murray County Land Use Administrator or designee is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Murray County Land Use Administrator or designee may seek issuance of a search warrant from any court of competent jurisdiction.

(Amend. of 8-4-2015)

Sec. 42-91. Notification of accidental discharges and spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the (municipal/county) separate

storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the authorized enforcement agency by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Murray County Land Use Administrator or designee within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Failure to provide notification of a release as provided above is a violation of this article.
(Amend. of 8-4-2015)

Sec. 42-92. Violations, enforcement and penalties.

(a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Murray County Land Use Administrator or designee is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Murray County Land Use Administrator or designee is authorized to seek costs of the abatement as outlined in section 42-93(e).

(b) *Notice of violation.* Whenever the Murray County Land Use Administrator or designee finds that a violation of this article has occurred, the Murray County Land Use Administrator or designee may order compliance by written notice of violation.

(1) The notice of violation shall contain:

a. The name and address of the alleged violator;

b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;

c. A statement specifying the nature of the violation;

d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;

e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and

f. A statement that the determination of violation may be appealed to the Murray County Land Use Administrator or designee by filing a written notice of appeal within 30 days of service of notice of violation.

(2) Such notice may require without limitation:

a. The performance of monitoring, analyses, and reporting;

b. The elimination of illicit discharges and illegal connections;

c. That violating discharges, practices, or operations shall cease and desist;

d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

e. Payment of costs to cover administrative and abatement costs; and

f. The implementation of pollution prevention practices.

(c) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the Murray County Land Use Administrator or designee, with the Murray County Board of Appeals. The notice of appeal must be received within 15 days from the date of the notice of violation, by filing with the Murray County Land Use Office a written notice of appeal specifying the grounds thereof. A fee of $50.00 shall also be submitted with the notice to cover the advertising cost. Upon the hearing, any party may appear in person or by attorney-at-law, or both. Any person, aggrieved by a decision or order of the board of appeals, after exhausting all administrative remedies, shall be able to apply for certiorari to the Superior Court of Murray County as allowed under O.C.G.A. § 5-4-1.

(d) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within ten days of the decision of the appropriate authority upholding the decision of the Murray County Land Use Administrator or designee then representatives of the Murray County Land Use Administrator or designee may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(e) *Costs of abatement of the violation.* Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written appeal objecting to the assessment or to the amount of the assessment within 15 days of such notice, with the Murray County commissioner. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become

a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to Murray County by reason of such violation.

(f) *Civil penalties.* In the event the alleged violator 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 Murray County Land Use Administrator or designee shall deem appropriate, after the Murray County Land Use Administrator or designee has taken one or more of the actions described above, the Murray County Land Use Administrator or designee may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation.

(g) *Criminal penalties.* For intentional and flagrant violations of this article, the Murray County Land Use Administrator or designee may issue a citation to the alleged violator requiring such person to appear in Magistrate 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 for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(h) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

(i) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and the Murray County Land Use Administrator or designee may seek cumulative remedies.

Murray County may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.
(Amend. of 8-4-2015)

Secs. 42-93—42-120. Reserved.

Chapters 43—45

RESERVED

Chapter 46

PARKS AND RECREATION*

Article I. In General

Secs. 46-1—46-25. Reserved.

Article II. Parks and Recreation Board

Sec. 46-26. Established, purpose.
Sec. 46-27. Composition.
Sec. 46-28. Appointment.
Sec. 46-29. Terms.
Sec. 46-30. Organization.
Sec. 46-31. Powers.
Sec. 46-32. Compensation.
Sec. 46-33. Employees.
Sec. 46-34. Oath.
Sec. 46-35. Removal of member.

***Cross references—**Environment, ch. 26; water, ch. 70.

State law references—Establishment of recreation systems, O.C.G.A. § 36-64-1 et seq.; authority to provide parks, recreation areas, programs and facilities, Ga. Const. art. IX, § II, ¶ III(a)(5).

ARTICLE I. IN GENERAL

Secs. 46-1—46-25. Reserved.

ARTICLE II. PARKS AND RECREATION BOARD

Sec. 46-26. Established, purpose.

Under the authority granted by O.C.G.A. § 36-64-3, there is hereby reconstituted the county parks and recreation board, which shall have the responsibility to develop, equip, and maintain parks, playground, recreation centers, and buildings thereon, to operate all types of recreational facilities, and to conduct recreational activities on behalf of the citizens of the county.
(Res. of 4-3-2001)

Sec. 46-27. Composition.

The county parks and recreation board shall be composed of no less than five nor more than seven county citizens.
(Res. of 4-3-2001)

Sec. 46-28. Appointment.

The members of the county parks and recreation board shall be appointed by the commissioner. Appointments shall be made in such manner that the City of Chatsworth and the City of Eton are represented and concur in the appointment of their representative. One member of the board shall be the person holding the position of county school system athletic director.
(Res. of 4-3-2001)

Sec. 46-29. Terms.

The members of the county parks and recreation board shall be appointed for a term of five years or until their successors are appointed and qualified, except that for the initial term the commissioner is authorized to vary the initial terms of members in such a manner that thereafter the term of at least one member shall expire annually. Members of the board shall be eligible for reappointment.
(Res. of 4-3-2001)

Sec. 46-30. Organization.

Immediately after their appointment, the members of the county parks and recreation board shall meet and organize by electing one of their members as chairman and electing other members to such offices as may be necessary.
(Res. of 4-3-2001)

Sec. 46-31. Powers.

The county parks and recreation board shall have the following powers:

(1) To adopt bylaws for the conduct of its affairs and to make rules and regulations for the proper administration of its duties.

(2) To establish fees from time to time for the use of its equipment and facilities.

(3) To administer all funds made available to the board.

(4) To accept any grant of funds made by the United States or of the state or any agency thereof for the purposes of carrying out any of its functions.

(5) To accept gifts, bequests, devises, or endowments to be used for carrying out its functions, except that if the acceptance thereof for such purpose will subject the commissioner to additional expenses for improvements, maintenance, or renewal, the acceptance of any such gift, bequest, devise, or endowment shall be subject to the approval of the commissioner.

(6) To make recommendations to the commissioner as to the operation of recreation facilities.

(7) To employ play leaders, playground or community center directors, supervisors, recreation superintendents, or such other officers or employees as it deems are needed to carry out the functions of the board.

(8) To prepare an annual budget covering all recreation activities under its supervision, to timely submit such budget to the commissioner for approval, and to follow and comply with the existing purchasing, procurement, and fiscal policies and procedures as set forth in county guidelines.

(9) To prepare annual reports of its accounts and doings for the commissioner, to conduct surveys, to establish a comprehensive plan for the continuing development of recreational facilities to meet the future needs of the citizens of the county, to make recommendations as to the operation of recreational facilities, and to do all other things necessary and proper to perform the duties of the board.

(Res. of 4-3-2001)

Sec. 46-32. Compensation.

The members of the county parks and recreation board shall serve without pay.

(Res. of 4-3-2001)

Sec. 46-33. Employees.

Employees of the county parks and recreation board shall be considered and classified as county employees and applicable to the county personnel ordinance. All positions under the

board must be budgeted by the commissioner and assigned within the position and pay grade structure of the county. Direct supervision and evaluation of personnel shall lie with the board.
(Res. of 4-3-2001)

Sec. 46-34. Oath.

Due to the authority and responsibilities of managing and accounting for public funds and facilities, each member of the county parks and recreation board shall be required to take an oath of office and execute such oath in writing.
(Res. of 4-3-2001)

Sec. 46-35. Removal of member.

The procedures for the removal of any member from the county parks and recreation board shall be identified in the bylaws of the board and may be superseded by the commissioner when it is determined by the commissioner to be in the best interest of the county.
(Res. of 4-3-2001)

Chapters 47—49

RESERVED

Chapter 50

PLANNING AND DEVELOPMENT*

Article I. In General

Secs. 50-1—50-25. Reserved.

Article II. Board of Appeals

Sec. 50-26. Creation and appointment of the board of appeals.
Sec. 50-27. Organization and proceedings.
Sec. 50-28. Power and duties.
Sec. 50-29. Appeals, hearings, notices, and stay of proceedings.
Sec. 50-30. Decisions.
Sec. 50-31. Judicial review.

***Cross references—**Administration, ch. 2; buildings and building construction, ch. 18; environment, ch. 26; floods, ch. 30; manufactured homes, ch. 38; roads, ch. 54; water, ch. 70; subdivision regulations, app. A; zoning, app. B.

State law reference—Coordinated and comprehensive planning by counties and municipalities, O.C.G.A. § 36-70-1 et seq.

ARTICLE I. IN GENERAL

Secs. 50-1—50-25. Reserved.

ARTICLE II. BOARD OF APPEALS*

Sec. 50-26. Creation and appointment of the board of appeals.

There is hereby created a board of appeals, which shall consist of five members, each member shall be appointed to a four-year term by the county commissioner, however two members shall be appointed to an initial term of two years to prevent all terms from expiring simultaneously. Any vacancy in the membership of the board of appeals shall be filled for the unexpired term in the same manner as the initial appointment.
(Ord. No. 51, 9-26-2002)

Sec. 50-27. Organization and proceedings.

(a) *Officers.* The board of appeals shall elect one of its members as chairperson, who shall serve for one year or until he or she is re-elected or a successor is elected. The board of appeals shall elect a vice-chairman and secretary. The board of appeals shall adopt rules and bylaws to govern its operation and functions.

(b) *Meetings.* Meetings of the board shall be held at the call of the chairperson, and at such other times as the board may determine. Three members shall constitute a quorum and three affirmative votes shall be required to approve any issue before the board. The chairperson, or in the chairperson's absence, the vice-chairperson may administer oaths and compel the attendance of witness by subpoena. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of commissioners and shall be public record. Pursuant to O.C.G.A. § 50-14-1, et seq., all meetings of the board of appeals shall be open to the public.
(Ord. No. 51, 9-26-2002)

Sec. 50-28. Power and duties.

The board of appeals shall have the following powers and duties in regard to any and all ordinances dealing with building and land use requirements, including but not limited to the Building Inspector Ordinance, the Mobile Home Parks Ordinance, Subdivision Regulations Ordinance and the Soil and Erosion and Sedimentation Control Ordinance.

(1) *Administrative review.* To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the building inspector or land development officer in the enforcement of any ordinances of Murray County, Georgia.

***Editor's note—**Ord. No. 51, adopted Sept. 26, 2002, amended Art. II, §§ 50-26—50-36 in its entirety. Said ordinance provisions have been codified as §§ 50-26—50-31 at the editor's discretion.

(2) *Variances.* To authorize upon appeal and specific cases such as variance from the terms of an ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of an ordinance will in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of upon a finding by the board of appeals that all of the following conditions exist:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.

b. The application of an ordinance to the particular piece of property would create an unnecessary hardship.

c. Such conditions are peculiar to the particular piece of property involved.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of county ordinances.

No provision of this article shall be construed as granting to the board of appeals the ability to grant a variance for deviations from the standard building codes adopted by the governing authority of Murray County.
(Ord. No. 51, 9-26-2002)

Sec. 50-29. Appeals, hearings, notices, and stay of proceedings.

(a) Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any order, requirement, decision or determination of the building inspector or land development officer. Such appeal shall be taken within 15 days of a written decision of the building inspector or land development officer, by filing with the Clerk of the Murray County Commissioner's Office a written notice of appeal specifying the grounds thereof. A fee of $50.00 shall also be submitted with the notice to cover the advertising cost. The building inspector or land development officer shall forthwith transmit to the board all the documentation constituting a record upon which the action appealed from was taken.

(b) An appeal stays all legal proceedings in furtherance of the action appealed from unless the building inspector or land development officer certifies to the board of appeals after the notice of appeal shall have filed with such inspector, that by reason of facts stated in the certificate, a stay, would in such inspector's opinion, cause imminent peril to life and property.

(c) The board of appeals shall affix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least 15 public days notice of the time and place which shall be published in a newspaper of general circulation in the county and shall also be posted on the property affected. Upon the hearing, any party may appear in person or by attorney-at-law, or both.
(Ord. No. 51, 9-26-2002)

Sec. 50-30. Decisions.

In exercising the above powers, the board of appeals may, in conformity with the provision of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end, shall have all powers of the building inspector or land development officer, may issue or direct the issuance of a building permit.
(Ord. No. 51, 9-26-2002)

Sec. 50-31. Judicial review.

Any person, aggrieved by a decision or order of the board of appeals, after exhausting all administrative remedies, shall be able to apply for certiorari to the Superior Court of Murray County as allowed under O.C.G.A. § 5-4-1.
(Ord. No. 51, 9-26-2002)

Chapters 51—53

RESERVED

Chapter 54

ROADS*

Article I. In General

Sec. 54-1. Road design; minimum requirements.
Sec. 54-1-01. General.
Sec. 54-1-02. Right-of-way.
Sec. 54-1-02.01. Additional right-of-way and/or pavement widths.
Sec. 54-1-03. Roadway lane widths.
Sec. 54-1-04. Improvements along state highways.
Sec. 54-1-05. Super-elevation and run-off.
Sec. 54-1-06. Unimproved road.
Sec. 54-1-07. Intersection design.
Sec. 54-1-07.01. Angle of intersection.
Sec. 54-1-07.02. Intersection radius.
Sec. 54-1-07.03. Intersection/corner sight distance.
Sec. 54-1-07.04. Vertical alignment/intersection approaches.
Sec. 54-1-07.05. Horizontal alignment/intersection approaches.
Sec. 54-1-07.06. Storm water design for intersections.
Sec. 54-1-08. New/proposed streets.
Sec. 54-1-08.01. General.
Sec. 54-1-08.02. Local residential streets.
Sec. 54-1-08.03. Non-residential local streets.
Sec. 54-1-09. Culs-de-sac.
Sec. 54-1-10. Minimum centerline offsets and intersection separation.
Sec. 54-1-11. Street grade and design speeds.
Sec. 54-1-11.01. Minimum grades.
Sec. 54-1-11.02. Maximum grades.
Sec. 54-1-12. Vertical alignment.
Sec. 54-1-13. Horizontal alignment.
Sec. 54-1-14. Pavement specifications.
Sec. 54-1-15. Curb and gutters.
Sec. 54-1-15.01. Curbing.
Sec. 54-1-15.02. Minimum grades.
Sec. 54-1-16. Sub-grade preparation.
Sec. 54-1-17. Signing and striping.
Sec. 54-1-18. Street lights.
Sec. 54-1-19. Street names and addresses.
Sec. 54-1-19.01. Street names.
Sec. 54-1-19.02. Street addresses.
Sec. 54-1-20. Major thoroughfares.

***Cross references—**Buildings and building construction, ch. 18; environment, ch. 26; manufactured homes, ch. 38; planning and development, ch. 50; water, ch. 70; subdivision regulations, app. A.

State law references—State, county and municipal road systems, O.C.G.A. § 32-4-1 et seq.; authority to construct and maintain roads, including curbs, sidewalks, street lights and devices to control the flow of traffic, Ga. Const. art. IX, § II, ¶ III(a)(4).

Sec. 54-1-20.01. Process.
Sec. 54-1-20.02. Specifications.
Sec. 54-1-20.03. Maximum grades and super-elevation.
Sec. 54-1-20.04. Pavement sections.
Sec. 54-1-21. Bikeways.
Sec. 54-1-22. Non-motorized accommodation.
Sec. 54-1-23. Access.
Sec. 54-1-23.01. General.
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ARTICLE I. IN GENERAL

Sec. 54-1. Road design; minimum requirements.
(Ord. of 3-6-2007)

Sec. 54-1-01. General.

The character, width, grade and location of all public streets shall conform to the standards in these regulations and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Construction and material specifications for streets shall conform to, as a minimum; G.D.O.T. standard specifications for roads except as may otherwise be stated herein. Specifications and design criteria stated herein are for planning purposes. Design exceptions will be considered on a case by case basis and is the responsibility of the developer and his/her engineer to identify the exceptions in the concept and preliminary design stages. Exceptions/variances will be subject to approval by the director of the public works department.

(1) Thoroughfares in developments shall be planned in conformity with the comprehensive road plan. These streets classified, or designated to be classified, as an arterial, major collector, or minor collector, shall be developed per section 54-1-20.

(2) The proposed development's street layout shall be coordinated with the street system of the surrounding area or with plans for streets in said area on file with the county, if any.

(3) If the developer desires to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary paved turn-around provided.

(Ord. of 3-6-2007)

Sec. 54-1-02. Right-of-way.

The county will have as a minimum five different street categories. See table in appendix A for minimum right-of-way requirements for each street.
(Ord. of 3-6-2007)

Sec. 54-1-02.01. Additional right-of-way and/or pavement widths.

(a) Right-of-way for all abutting and internal public streets, existing and proposed, may be dedicated in accordance with the functional classifications as outlined in the major street plan and/or joint comprehensive plan, as amended, for the county, and as contained in these regulations, or as otherwise required by the sole commissioner or board of commissioners.

(b) On an existing street which abuts a property, one-half of the required width of right-of-way shall be dedicated to the county as measured from the centerline of the roadway, along the area of the entrance improvements.

(c) Right-of-way miters are required at all intersections to provide area for adequate utility location and maintenance at the right-of-way intersection of any major thoroughfare, 20-foot miters shall be provided. Right-of-way intersection of local and collectors shall provide ten-foot miters.

(d) If a new street or thoroughfare is funded by the county or the state to adjoin or traverse the property, the proposed right-of-way shall be incorporated into the development plans of the property in accordance with these regulations. These rights-of-way requirements shall govern except where there exist clearly defined plans of the state department of transportation or the county public works department which require additional rights-of-way. In that case, the greater right-of-way requirements shall govern.

(e) Any development with property fronting on an existing county road for which there exists clearly defined plans by the state department of transportation or the county public works department, may be required to provide road improvements associated with the defined plans. In such cases, in lieu of the design and construction, at the discretion of the sole commissioner or the board of commissioners, shall escrow the dollar equivalency of required improvements (including curbing, utility relocation and drainage structures), as estimated by the developer and verified by the county public works department. These funds shall be deposited in the appropriate road construction account prior to approval of subdivision development improvements, or within 30 days of county award of a construction contract, whichever occurs first.
(Ord. of 3-6-2007)

Sec. 54-1-03. Roadway lane widths.

(a) A minimum of ten-foot travel lanes are required on all streets. Roadway widths and lane assignments are based upon functional classification of said roadway; for major thoroughfares see section 54-1-20.

(b) Roadway width and design may be variable based upon current and/or proposed operational characteristics of the roadway and is subject to the state department of transportation and/or the county public works department review and approval.
(Ord. of 3-6-2007)

Sec. 54-1-04. Improvements along state highways.

For any development which abuts a state highway or other right-of-way controlled by the state, improvements to the roadway and the location and design of any street or driveway providing access from the state highway shall comply with the standards and requirements of the state department of transportation. A permit for the proposed access or improvements shall be required to have been approved by the state department of transportation and incorporated into the construction drawings for the project prior to issuance of a development permit by the county.
(Ord. of 3-6-2007)

Sec. 54-1-05. Super-elevation and run-off.

Widening sections along existing streets shall be designed reflecting existing curvature and super-elevation, if any, unless the existing street has been included in a specific design by the county or the state department of transportation which calls for different standards, in which case the project will be coordinated with the overall design (excluding local residential streets).
(Ord. of 3-6-2007)

Sec. 54-1-06. Unimproved road.

In the event that a subdivision and/or development has access to a substandard street (i.e., is a dirt or gravel road), the following improvements shall be considered through a development agreement:

(1) If the abutting substandard street provides the primary means of access to the development and is dirt or gravel, the street shall be upgraded to the classification of the roadway from the end of the improvements required to the nearest standard paved road along the route of primary access.

(2) Where lots do not front onto, but access is other than primary, in addition to the road widening requirements abutting the development access, a drainage ditch, shoulder, and an adequate base shall be provided and the roadway paved on the opposite side of the road from the project, 12 feet from centerline to edge of pavement.

(3) Off-site improvements required above, shall, at a minimum, result in a full section roadway meeting the requirements of a local residential rural roadway [24 feet (edge to edge of pavement), with drainage ditches as needed.] Responsibilities shall be as follows:

   a. The developer shall design the road and provide labor, equipment, and materials required for roadway improvements and necessary drainage improvements.

   b. All rights-of-way required for these off-site improvements shall be considered in the development agreement.

(Ord. of 3-6-2007)

Sec. 54-1-07. Intersection design.

For an intersection that contains at least one street classified in the major street plan, and/or joint comprehensive plan, as amended, refer to section 54-1-20.
(Ord. of 3-6-2007)

Sec. 54-1-07.01. Angle of intersection.

Intersections shall be at right angles and shall not be at an angle less than 75 degrees for safety, topography, interference with utilities, and separation from other driveways.
(Ord. of 3-6-2007)

Sec. 54-1-07.02. Intersection radius.

Intersection radii for all streets shall be measured at the back of curb or edge of pavement if no curb exists. The minimum roadway radii for the intersection of local and residential collector streets is 25 feet. When a local or residential collector intersects a higher classification of roadway, the radii shall be a minimum of 30 feet. Larger radii may be required for streets intersecting at an angle less than 90 degrees. The radii may be reduced a maximum of five feet for the following reasons:

(1) Separation from street or removal of obstruction.
(Ord. of 3-6-2007)

Sec. 54-1-07.03. Intersection/corner sight distance.

(a) Intersections shall be designed with adequate corner sight distance for each street which approaches a street of higher street category. Where necessary back slopes shall be flattened and horizontal or vertical curves lengthened.

(b) The minimum sight distance requirements shall be calculated using AASTHTO "Policy on Geometric Design of Highways and Streets," latest edition and as may be amended from time to time.
(Ord. of 3-6-2007)

Sec. 54-1-07.04. Vertical alignment/intersection approaches.

(a) For the intersection of residential and local streets, a leveling of the street at a grade not exceeding two percent shall be provided for a minimum tangent length of 25 feet. Exemptions are allowed for topographic considerations as determined by the design professional and the county public works director.

(b) As a street approaches an intersection with a classified street in the major street plan and/or joint comprehensive plan, shall be in accordance with the plan preparation manual.

(c) Tangent length is measured from edge of pavement of the intersecting street to the point of curvature in the approaching street.

(d) This grade for the landing may be one percent.
(Ord. of 3-6-2007)

Sec. 54-1-07.05. Horizontal alignment/intersection approaches.

(a) New local streets which approach an intersection with a street in a category higher than itself on a horizontal curve having a centerline radius of less than 240 feet shall provide a tangent section of roadway at least 30 feet long. The tangent length shall be measured along the centerline of the street, from the right-of-way of the intersecting street, extended, to the point of tangency with the centerline of the curve section.

(b) Minor and major collector classified streets in the major street plan and/or joint comprehensive plan, shall provide tangent sections at intersections with streets in equal or higher categories as needed to provide adequate stopping sight distances at their design speeds; see section 54-1-13.
(Ord. of 3-6-2007)

Sec. 54-1-07.06. Storm water design for intersections.

For intersections classified under the major street plan and/or joint comprehensive plan, sheet or concentrated flows of water will be minimized through the intersection.
(Ord. of 3-6-2007)

Sec. 54-1-08. New/proposed streets.

All new streets proposed shall be designed and constructed to the standards contained in these regulations in accordance with the classification of said streets.
(Ord. of 3-6-2007)

Sec. 54-1-08.01. General.

The arrangement of local streets shall permit practical patterns, shapes, and sizes of development parcels. Streets as a function of land use must not unduly hinder the development of land. Distances between streets, angles of intersections, numbers of streets, and related elements all have a bearing on efficient lot lay-out of an area.
(Ord. of 3-6-2007)

Sec. 54-1-08.02. Local residential streets.

(a) Local streets shall be laid out that their use by "through" traffic will be discouraged.

(b) Local residential streets shall be 24 feet wide as measured from back of curb to back of curb. The minimum lane width in each travel direction shall be ten feet.
(Ord. of 3-6-2007)

Sec. 54-1-08.03. Non-residential local streets.

Local non-residential streets shall be so laid out that use by through traffic will be discouraged. The functional and operational characteristics of the roadway shall be to provide access to adjacent non-residential lots.
(Ord. of 3-6-2007)

Sec. 54-1-09. Culs-de-sac.

Dead end streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and shall be no more than 2,000 feet in length. Culs-de-sac shall conform to the lay-out and dimensional requirements as shown in appendix "P" or "Q."

(1) The length of the cul-de-sac street shall be measured from the center of the cul-de-sac to the center of the intersection with another street, whether a through street or another cul-de-sac or dead-end street.

(2) Bubble culs-de-sac (half culs-de-sac) at "right angled" intersections having an interior angle between 80 degrees and 100 degrees are for local residential streets only, and shall conform to the lay-out dimensional requirements as shown in appendix "O."

(Ord. of 3-6-2007)

Sec. 54-1-10. Minimum centerline offsets and intersection separation.

Streets shall either directly align or have offsets of a minimum of 125 feet for intersecting streets on opposite sides of the through street and a minimum of 250 feet for streets on the same side of a through street, as measured between centerlines of said streets.

(Ord. of 3-6-2007)

Sec. 54-1-11. Street grade and design speeds.

(Ord. of 3-6-2007)

Sec. 54-1-11.01. Minimum grades.

(a) Minimum grade for all streets shall be one and one-half percent. Grades of less than one and one-half percent may be approved by the county public works director, based on adequate engineering designs, where at least one and one-half percent cannot reasonably be achieved due to topographical limitations imposed by the existing land. In such cases, a record drawing and such computations as necessary shall be provided after construction to establish that the street will drain in accordance with these regulations.

(b) Street sections where unacceptable pooling, excessive spread at catch basins, or other hazardous conditions occur shall be reconstructed or otherwise improved to eliminate such conditions at the developer's expense.

(Ord. of 3-6-2007)

Sec. 54-1-11.02. Maximum grades.

(a) Maximum grade for all local and residential collector streets shall be 16 percent. Grades between ten and 16 percent shall be designed by a licensed and registered professional civil engineer and shall require an "as graded" survey prior to the installation of the curb or utilities.

(b) Maximum grade on any cul-de-sac turnaround shall be limited to drainage concerns. Negative grade culs-de-sac will require vertical face curbing.

(See appendix B for maximum grades for each street category. Maximum grade in excess of those listed in appendix B may be approved by the county public works director or his/her designee in order to address topographical safety, hydrological and environmental concerns.)

(Ord. of 3-6-2007; Amend. of 6-5-2007)

Sec. 54-1-12. Vertical alignment.

Vertical alignment must be designed in conjunction with horizontal alignment. All changes in street profile grades having an algebraic difference greater than one percent shall be connected by a parabolic curve. Minimum safe stopping sight distance is a direct function of the design speed (25 mph in residential areas and 35 mph in local, non-residential, and commercial). A height of three and one-half feet and a height of object of one-half feet is used to determine safe stopping sight distance. See standard detail. The minimum length of vertical curve required for safe stopping sight distance shall be calculated using AASHTO "Policy on Geometric Design of Highways and Streets," latest edition.
(Ord. of 3-6-2007)

Sec. 54-1-13. Horizontal alignment.

For streets classified by the major street plan and/or joint comprehensive plan, see section 54-1-20.

See appendix C for each street category's minimum radius and maximum super-elevation for horizontal curves.

A minimum tangent is required between reverse curves to facilitate steering and control. Between reverse horizontal curves there shall not be less than the minimum centerline tangents as shown in the table in appendix D. Compound radii curves are prohibited (except local residential streets).
(Ord. of 3-6-2007)

Sec. 54-1-14. Pavement specifications.

(a) Minimum construction standards for local streets shall be as follows unless otherwise specified by the county public works department or the state department of transportation:

Base = Six-inch graded aggregate base (G.A.B.)

Binder = Two-inch asphaltic binder "B"

Topping = One and one-half-inch asphaltic topping "E"

(b) Pavement of existing roads of less than four feet in width shall have a minimum of six-inch class B concrete base and a one-inch asphaltic topping.

(c) For non-residential local and non-residential collector industrial park developments shall be ten inches of graded aggregate base (G.A.B.), three inches of asphaltic concrete, two inches of asphaltic binder, one and one-half inch of asphaltic topping. Bituminous tack coat shall be applied as per state department of transportation specifications. The developer's engineer can submit alternate pavement designs for review by the county public works department.
(Ord. of 3-6-2007)

Sec. 54-1-15. Curb and gutters.

All new streets or street widening sections shall be provided with curb and gutter except where noted otherwise within these regulations or where not required by zoning, where ditches may be provided in lieu of curbing. All gutters shall drain positively with no areas of ponding.
(Ord. of 3-6-2007)

Sec. 54-1-15.01. Curbing.

(a) Concrete shall be Class "A" (as defined by G.D.O.T.) and have a minimum strength of 3,000 P.S.I. at 28 days.

(b) Typical minimum section (residential subdivision only) shall be six inches by 24 inches by 12 inches for vertical curb or with the roll-over type as specified by the county road department or the state department of transportation.

(c) One-half-inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter as shown on the standard detail.

(d) When the development ties into existing curbing, the curb and gutter shall match the existing width.
(Ord. of 3-6-2007)

Sec. 54-1-15.02. Minimum grades.

(a) Curb and gutter shall be set true to line and the grade of the street, horizontally field staked, and finished to the section shown on the approved plans. Along the widening section of a road, which the county public works department has identified for resurfacing within one year of the construction, the grade of the new gutter shall be placed one inch above the widening pavement grade in areas where drainage will not be adversely affected.

(b) Line and grade shall be set by developers' engineer or surveyor.

(c) Disturbed areas along all curbing shall be back-filled, stabilized, and grassed.

Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work. The county may require that unacceptable work be removed and installed in an acceptable manner at the developers' cost.
(Ord. of 3-6-2007)

Sec. 54-1-16. Sub-grade preparation.

Sub-grade preparation on all non-local streets shall be in accordance with state department of transportation specifications and these regulations. Subgrade preparation for local streets shall meet minimum compaction and pass proof roll testing.

(1) If any section of the sub-grade are composed of topsoil, organic, or other unsuitable or unstable material, such material shall be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized with stone or a geo-textile or geo-grid.

(2) Fill shall be placed in uniform, horizontal layers not more than eight inches thick (loose measurement). Moisture content shall be adjusted as necessary to compact material to 95 percent of maximum dry density except for the top 12 inches which shall be compacted to 100 percent of maximum dry density.

(3) After the earthwork has been completed, all storm drainage, water, and sanitary sewer utilities have been installed within the right-of-way as appropriate, and the back-fill in all such ditches thoroughly compacted, the sub-grade shall be brought to the lines, grades, and typical roadway section as shown on the approved plans.

(4) Utility trenches cut in the sub-grade shall be back-filled as specified herein. Compaction tests at the rate of one per 150 feet shall be provided to verify compaction.

(5) The sub-grade must pass roll testing regardless of compaction test prior to placement of the base material. With the approval of the public works director or their designee, a geo-textile or grid may be used to stabilize a sub-grade that does not pass proof-rolling.

(6) Provisions shall be made to drain low points in the road construction when the final paving is delayed. A break in the berm section is required when the curbing has not been constructed. After installation, drainage under the curb is required.

(Ord. of 3-6-2007)

Sec. 54-1-17. Signing and striping.

Traffic control devices (signs and pavement markings) on local residential streets, major thoroughfares, and for non-residential development signs are to be provided by the developer. For standard marking and raised pavement marker installations, contact the county public works department. The traffic control devices must comply with MUTCD and approved by the county public works department. No traffic control devices shall be installed without prior approval by the county public works department.

(Ord. of 3-6-2007)

Sec. 54-1-18. Street lights.

Street lighting of all new subdivisions or roads or any combination, shall be designed by the applicable power company. A lighting lay-out and specifications shall be submitted to the county public works department for approval. All costs associated with installation, maintenance and operation shall be the responsibility of the property owner.

(Ord. of 3-6-2007)

Sec. 54-1-19. Street names and addresses.

The duplication of street names or addresses is prohibited in the county. When a project is contained within a zip code boundary that extends beyond the borders of the county, street names are compared for duplication within the neighboring counties of Bradley (TN), Fannin, Gilmer, Gordon, Polk (TN), and Whitfield.

(Ord. of 3-6-2007)

Sec. 54-1-19.01. Street names.

(a) Street names must be verified through the 911 office before a final plat can be approved. Approved street names for the proposed development will be reserved for one year from the approval of the preliminary plat.

(b) No proposed street name shall duplicate an existing street name within the county regardless of the use of the suffix (i.e. street, avenue, court, etc.) unless the streets are contiguous within the same development.
(Ord. of 3-6-2007)

Sec. 54-1-19.02. Street addresses.

Street addresses will be assigned through the E-911 addressing department. Street numbers must be posted in a minimum letter height of four inches on a contrasting background, visible from the street providing public access.
(Ord. of 3-6-2007; Amend. of 10-4-2011)

Sec. 54-1-20. Major thoroughfares.

(a) Roadways, streets, or highways that are shown on the county major street plan and/or joint comprehensive plan, classified as arterial, major collector, or minor collector shall conform to this section. Also new location roadways that the county determines to be classified as a major thoroughfare shall conform to this section. All roadways proposed for industrial use shall conform to this section.

(b) Because major thoroughfares carry a higher volume of traffic and at a higher rate of speed than the lower classified roadways, the planning, design and construction of these roadways must conform to higher standards.
(Ord. of 3-6-2007)

Sec. 54-1-20.01. Process.

(a) New, modified or improved major thoroughfares must be coordinated with the major street plan and/or joint comprehensive plan, for the county and all future planned roadways on file with the state or the federal highway administration.

(b) The design of the roadway shall be performed by an engineering firm qualified to accomplish a project of this size. The county may require proof of the ability of the engineering firm to perform to the standards for a design of a major thoroughfare.

(c) Plans prepared for these roadways will be reviewed as follows:

(1) Concept plan and traffic study;

(2) Preliminary engineering;

(3) Right-of-way plans;

(4) Final construction plans (including pavement design);

(d) Plans shall conform to AASHTO *Policy on Geometric Design of Highway and Streets,* and *Georgia Department of Transportation Standard Specifications for Construction of Roads and Bridges,* latest edition. The design shall utilize the state department of transportation construction standards and details.

(e) If the county is to fund, participate or otherwise share the costs of any part of the construction of the roadway or related infrastructure, the design services must conform to the Georgia Department of Transportation Specifications and Regulations, latest edition.

(f) If the county is to administer the construction contract (bid the project) the plans shall be prepared as per the Georgia Department of Transportation Specifications and Regulations, latest edition.
(Ord. of 3-6-2007)

Sec. 54-1-20.02. Specifications.

Specifications and design criteria stated herein are for planning purposes. Design exceptions will be considered on a case-by-case basis and is the responsibility of the developer and his/her engineer to identify the exceptions in the concept and preliminary design stages. Exceptions/variances will be subject to approval by the director of the county public works department or his/her designee. See appendix E for minimum right-of-way requirements per roadway classification.

(1) Additional right-of-way width may be required to be dedicated at intersections or other locations where turning lanes, medians, traffic signal poles and controllers, or other improvements are required and the minimum right-of-way standard would be inadequate to accommodate the improvements.

(2) For existing roadways being improved or modified where the proposed centerline of the pavement to right-of-way is less than one-half the width shown herein, the additional width will be required for all property fronting the roadway.

(3) Right-of-way miters are required at all intersections and are dependent on the size of the intersection curb radii.

(4) Permanent and temporary easements will be required and shall conform to all county regulations.

(5) Right-of-way shall be deeded to the county by the property owners. Clear title and right-of-way must be furnished, including title opinion. All research, engineering, attorneys fees, and associated costs, will be the responsibly of the property owners.

(6) Roadway widths curb and gutter dimensions are based on the classification of the roadway. The lane widths for non-residential roads shall be 12 feet unless otherwise approved by the county public works department.

(7) If any part of the roadway improvements is within the limits of the state department of transportation jurisdiction, the lane widths shall comply with the state's requirements.

(8) Intersections for new roadways shall not be at an angle less than 85 degrees unless the intersection is otherwise warranted and approved for a stop-and-go traffic signal in which case the minimum angle shall be 80 degrees.

(9) Intersections of existing roadways shall be reviewed on a case-by-case basis using AASHTO, latest edition guidelines.

(10) Intersection radii for new roadways shall be as follows:

a. 35 feet for minor collectors;

b. 40 feet for major collectors;

c. 50 feet for arterials.

(Larger radii will be required if channelized right turn lanes are proposed or if the intersecting angle of the roadways is less than 85 degrees).

(12) Intersections on thoroughfares with another roadway classified as a major thoroughfare shall require a traffic study utilizing highway capacity software and the MUTCD, latest editions, signal warrants. Additional intersections may require a traffic study as required by the county.

(Ord. of 3-6-2007)

Sec. 54-1-20.03. Maximum grades and super-elevation.

See appendix G for maximum grades and super-elevation for arterial, major collector, and minor collector roadways.

(Ord. of 3-6-2007)

Sec. 54-1-20.04. Pavement sections.

For arterial or collectors are as follows or as per the latest state department of transportation specifications:

(1) Ten-inch graded aggregate base (G.A.B.);

(2) Four-inch asphaltic base A.C.;

(3) Two-inch asphaltic binder B;

(4) ½-inch asphaltic topping E or F.

(Ord. of 3-6-2007)

Sec. 54-1-21. Bikeways.

If the development is along a bikeway the developer and his/her engineer shall review the bike plan and incorporate it into the proposed development plans. If bikeways are to be provided, four feet of additional pavement width shall be provided on both sides of the roadway. Additional right-of-way may be required. Residential subdivisions shall be excluded.

(Ord. of 3-6-2007)

Sec. 54-1-22. Non-motorized accommodation.

Shall be designed as stated in section 54-1-21 for bikeways or as per the latest specifications from the state department of transportation.
(Ord. of 3-6-2007)

Sec. 54-1-23. Access.
(Ord. of 3-6-2007)

Sec. 54-1-23.01. General.

(a) Driveways provide access to property and are service to the traveling public. However, vehicles entering or leaving driveways may disrupt traffic flow on roadways and cause accidents, thereby infringing on the rights of the public to travel the roadway. All driveways shall be in locations where movements into and out of them can occur in a safe and orderly manner.

(b) Because of their simple appearance, driveways often do not receive sufficient design consideration. At the least, driveways should always be designed to eliminate or minimize opposite lane encroachment while entering and exiting property.

(c) All driveways are to be designed and constructed to provide turning radii for appropriate design vehicles sufficient to minimize adjacent lane encroachment.

(d) All driveways are to be designed and constructed with sidewalk transitions if sidewalks are proposed or exists.

(e) When property frontage is less than 200 feet, only one driveway shall be considered for approval. Additional entrances/exits for property having street frontage in excess of 200 feet may be considered by the county public works department upon proof that such entrances/exits are necessary and would not increase traffic congestion or otherwise reduce the safety and convenience of the traveling public.

(f) All driveways are to be considered low volume intersections and to comply with minimum intersection/corner sight distance requirements of these regulations.
(Ord. of 3-6-2007)

Sec. 54-1-23.02. Access from thoroughfare streets.

(a) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on thoroughfares, there shall be a minimum number of access points to adequately serve the development. The number and location of the driveways shall be regulated.

(b) To allow proper corner clearance, the minimum tangent curb length between a driveway radius and an intersection shall be 100 feet.

(c) If the closest intersection is or is likely to be signalized, then traffic movements to and from any driveway within 250 feet of the intersection with a collector or an arterial shall be limited to right turns only.
(Ord. of 3-6-2007)

Sec. 54-1-23.03. Access limitations for development adjacent to thoroughfares.

(a) All access points and driveways adjacent to thoroughfares may be subject to further restriction and consideration as may be deemed necessary by the state department of transportation and/or the county public works department to insure safe, functional design and efficient operation of the thoroughfares.

(b) A maximum number of 124 residential dwelling units shall be allowed one street outlet on an existing public street. If a second access to an existing public road is not available or, in the opinion of the county public works department, would encourage non-residential traffic to traverse the development, a single entrance may be allowed if designed with sufficient right-of-way and improvements to provide a protected left-turn lane, subject to approval from the county public works department.

(c) For non-residential developments, improvements to provide a separate left turn lane shall be considered on a case-by-case basis.

(d) Access to all residential lots shall be from interior subdivision streets or roads where possible. Exceptions are subject to approval by the county public works department. Subdivisions of five or less lots, classified as a minor subdivision under county regulations, may be exempted upon approval by the county land use administrator or his/her designee with proper consideration of safety, hydrological and environmental concerns.

(e) No catch-basins will be allowed within access/driveway radii (turning radii).
(Ord. of 3-6-2007)

Sec. 54-1-23.04. Service drives.

(a) Where a development borders on or contains limited access roadway right-of-way, or arterial road right-of-way, the state D.O.T. and/or the county public works department may require a service drive or suitable provisions for future service drives approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Distances involving right-of-way, shall also be determined with due regard for the requirements of approach grades and future grade separations.

(b) All driveways along designated thoroughfares with existing or planned service roads shall access to such service roads. To gain temporary direct access to the thoroughfare, the developer shall construct the section of the service road adjacent to the development. The service road section shall be located where planned. Any right-of-way not previously dedicated shall be dedicated prior to consideration of a temporary driveway approval providing direct access to the thoroughfare.
(Ord. of 3-6-2007)

Sec. 54-1-24. Median openings.
(Ord. of 3-6-2007)

Sec. 54-1-24.01. Location.

Unless the sole commissioner, board of commissioners or other jurisdictional authority has established a more restrictive policy, no median opening shall be spaced at a distance less than 660 feet from any other median opening unless approved by the county public works department on a finding that, given the particular conditions of the proposed development, such determination will not compromise traffic operational and safety standards.
(Ord. of 3-6-2007)

Sec. 54-1-24.02. Design criteria.

All median openings shall include at least 200 feet of vehicle storage with 100 feet of transition unless otherwise acceptable to the county public works department based on a traffic study. Increased storage and transition lengths may be required to eliminate disruption of through-traffic flow.
(Ord. of 3-6-2007)

Sec. 54-1-25. Building setbacks adjacent to thoroughfares.

Any building construction along a thoroughfare as defined by the major street plan, and/or joint comprehensive plan, and as amended from time to time, shall have a minimum setback from the right-of-way as required by the zoning ordinance, and as amended from time to time.
(Ord. of 3-6-2007)

Sec. 54-1-26. Residential driveways.

Residential driveways provide a primary means of access to single-family residential uses. Along collector and arterial roadways, residential driveways are to be designed and constructed to the following standards (Georgia Department of Transportation Standard #6050 may be substituted if prior approval is made by the county public works department).
(Ord. of 3-6-2007)

Sec. 54-1-26.01. Residential driveway standards.

(a) Width: Minimum 12 feet, maximum 24 feet on right-of-way radii or flare: Minimum five feet.

(b) Spacing from street intersection: Minimum 50-foot angle of intersection with street/roadway: Approximately right-angled (90 degrees), 80 to 100 degrees. Corner/intersection sight distance: To comply with corner/intersection sight distance requirements of roadway intersected with the driveway as per these regulations.

(c) Landing grade: Compatible with existing/proposed shoulder grade.
(Ord. of 3-6-2007)

Sec. 54-1-26.02. Driveway drainage pipes.

A residential driveway constructed at a location which has or should have a ditch along the roadside for the purpose of collecting, channeling and controlling storm water run-off, shall be constructed with culverts to conduct storm water underneath the driveway and shall be:

(1) Concrete, corrugated metal pipe, or other type of culvert approved by the county road department.

(2) Sized to accommodate the ten-year storm, but as a minimum, be no less than 15 inches in diameter.

(3) Of sufficient length to accommodate a minimum of two-foot shoulder at each end of the driveway with a maximum side slope of two-to-one to the bottom of the ditch line.

(4) Installed in a ditch of minimum two-foot wide flat bottom with side sloped at grade no greater than a two-to-one stabilized with acceptable best management practices.
(Ord. of 3-6-2007)

Sec. 54-1-27. Non-residential driveways.

Driveways servicing developments shall provide uninterrupted ingress/egress to and from the proposed site. The minimum distance required is measured from the street right-of-way at the ingress/egress to the outer edge of any interior service drive or parking space with direct access to such driveway as measured perpendicularly from the street. The length of the uninterrupted ingress/egress is determined by the maximum peak hour volume of the facility in which the driveway is provided and as shown in appendix D. This information shall be provided by the developer or his/her engineer.
(Ord. of 3-6-2007)

Sec. 54-1-27.01. Non-residential driveway standards.

(a) Non-residential driveways shall not be designed or marked to allow more than one lane of traffic to exit onto a street simultaneously unless such driveway is channelized in accordance with traffic engineering design principles as applicable when designing channelized street intersections.

(b) As may be requested, left turn driveway lanes shall be a minimum of 12 feet wide and provide a minimum of 150 feet of vehicle storage with 100 feet of transition.

(c) Non-residential driveways are to be constructed to the following standards:

(1) Minimum width: 24'; two-way access

(2) Maximum width: 32'; two-way access

(3) Minimum width: 14'; one-way access

(4) Maximum width: 18'; one-way access

(5) Radii: Minimum 30'

(6) Radii: Maximum 50'

(7) Composition: Shall meet or exceed the same specification as the connecting public roadway.

(8) Drainage: Consistent with existing drainage plan of the connecting public roadway unless other improvements are required for safety, hydrological and environmental considerations.

(9) Angle of intersection with roadway: Approximately 90 degrees; minimum 80 degrees; maximum 100 degrees.

(10) Corner/intersection sight distance: To comply with corner/intersection sight distance requirements of roadway intersected with the driveway as per these regulations.

(11) Landing grade: Plus or minus two percent of intersecting roadway within the right-of-way.

(12) Driveways designed other than as provided within these regulations are subject to approval by the county public works department, the state department of transportation or their designee.

(Ord. of 3-6-2007)

Sec. 54-1-28. Acceleration/deceleration lanes, roadway improvements along existing streets/roadways.

The county may require a deceleration and or acceleration lane for all developments. Requirements for constructing the lane(s), will be evaluated by the county public works department, include but are not limited to sight distance, posted speed limit, classification of existing street, traffic volumes on existing street, traffic volumes proposed by the new development, vertical/horizontal curvature, length of property road frontage, hydrological concerns. During the evaluation of the developments entrance/exit, additional improvements, such as tapers, left turn lanes, by-pass lanes, median modification or other facilities, may be required to enhance safety and traffic flows. The developer and his/her engineer should contact the county public works department at the earliest possible time to request the evaluation so that the improvements can be put into the construction plans prior to the approval process.

(Ord. of 3-6-2007)

Sec. 54-1-29. Storm drainage.

(Ord. of 3-6-2007)

Sec. 54-1-29.01. Materials.

(a) Concrete pipe shall be reinforced within the right-of-way but may be plain pipe outside of the right-of-way.

(b) Concrete pipe: Flat bottom and circular pipe sections shall be laid in a prepared trench with socket ends pointing upstream. Sections may be joined by bituminous plastic cement joints, rubber-type gasket joints, O-ring gasket joints, or pre-formed plastic gasket joints. In bituminous plastic cement joints, the annular space shall be filled with joint material, and the inside of each joint wiped smooth. Rubber-type, O-ring, and pre-formed plastic gasket joints shall be installed in accordance with the manufacturer's recommendations.

(c) Metal storm drain pipe shall conform to the following standards:

(1) ASTM A 849-88, and/or

(2) AASHTO M36/M36M-86, and/or

(3) ASTM A 760/A760M-85, as appropriate, and as revised and updated, and shall be chosen from the following list:

a. Galvanized corrugated metal (steel) pipe, bituminous coated.

b. Aluminum corrugated metal (steel) pipe.

c. Aluminized corrugated metal (steel) pipe.

d. Concrete lined galvanized corrugated metal (steel) pipe, bituminous coated.

e. Concrete lined aluminized corrugated metal (steel) pipe.

Note: All corrugated metal pipe (CMP) shall be furnished with re-rolled ends providing at least two annular corrugations each end.

(Ord. of 3-6-2007)

Sec. 54-1-29.02. Installation.

(a) Workmanship and finish. Metal culvert pipe on which the coating has been bruised or broken either in the shop or in shipping, or which shows defective workmanship, shall be rejected. Among others, the following defects are specified as constituting poor workmanship and the presence of any or all of them in any culvert pipe shall constitute sufficient cause for rejections:

(1) Uneven laps.

(2) Elliptical shaping of round pipe (5 percent out-of-round CMP max allowed).

(3) Variation from a straight centerline.

(4) Ragged or diagonal sheared edges.

(5) Loose, unevenly lined or spaced rivets.

(6) Poorly formed rivet heads.

(7) Unfinished ends.

(8) Illegible brands.

(9) Lack of rigidity.

(10) Bruised, scaled, or broken coating.

(11) Dents or bends in the metal itself.

(12) Chipped or broken concrete lining.

(13) Improper bands.

(b) Joint coupling. Field joints shall be made with bands of the same base metal and coating as the metal pipe. Bands shall be of the hugger type designed to fully engage at least one annular corrugation at the end of each metal pipe around its entire circumference. Minimum band width shall equal the centerline length of four annular corrugations. Bands shall conform to current ASTM/AASHTO industry standards as to securing bolts, their number and placement. Other equally effective methods of connecting the coupling bands may be used if approved by the county prior to installation.

(c) The gauge of the culvert metal will be determined from the thickness of the steel sheets prior to the galvanizing or aluminizing.

(d) Corrugated aluminum or steel pipe and pipe-arches. Pipe sections shall be laid in a prepared trench outside laps of circumferential joints pointing upstream and with longitudinal joints at the sides. Coupling bands, fastened by two or more bolts, shall join the sections. The space between adjoining sections shall be not more than the width of one corrugation.

(e) All damaged spots in galvanized or aluminized coating that expose the base metal shall be repaired according to directions of the manufacturer before the structure is back-filled. All damaged spots in bituminous coating that expose the base metal shall be re-routed with asphalt before the structure is back-filled.

(f) Elongation. Elongation of metal pipe 60 inches and larger in diameter shall be as shown on the plans. The contractor shall order the elongation of the vertical axis of the pipe to be done in the shop prior to transporting. Corrugated metal pipe shall be shipped with wire-ties in the pipe ends. Wire-ties shall be removed as soon as possible after the fill is completed.

(g) Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted back-fill to protect the structure from damage or displacement. Minimum soil cover shall be 12 inches. Any debris or silt that constricts the flow through the pipe shall be removed by the developer as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense to the satisfaction of the county.

(h) Minimum clearances are:

(1) One foot between the bottom of the base or sub-base, if used, and the exterior crown of the culvert.

(2) A minimum of one-half foot between underground utilities and exterior crown or invert of the culverts.

(3) One foot between finished grade and exterior crown of the culvert.

(i) Trench construction for storm drainage shall be in accordance with state department of transportation 1030D or latest standards and specifications.

(j) Storm drainage pipe shall be bedded in type 57 gravel, if firm soil is not available. Contractor may be required to provide compaction tests as directed by the county.
(Ord. of 3-6-2007)

Sec. 54-1-30. Pilings.

Bridge pilings shall be driven to state department of transportation specifications for standard loading. Certification of pile load shall be by a registered engineer in the state.
(Ord. of 3-6-2007)

Sec. 54-1-31. Changes.

Changes in construction plans caused by field conditions shall be at the direction of the county public works director, with the costs of such charges to be paid by the developer.
(Ord. of 3-6-2007)

Sec. 54-1-32. Appendix.

APPENDIX "A"—RIGHT-OF-WAY
MINIMUM RIGHT-OF-WAY PER STREET CLASSIFICATION*

Street category	*Minimum right-of-way (ft.)*	*As measured from centerline (ft.)*
Arterial	100	50
Major collector	80	40
Minor collector	60	30
Local-residential	50	25
Non-residential local	66	33

*Additional street right-of-way width may be required to be dedicated at intersections or other locations fronting the property where turning lanes, storage lanes, medians, or realignments are required for traffic safety and minimum right-of-way standards would be inadequate to accommodate the improvements.

APPENDIX "B"—MAXIMUM GRADE
MAXIMUM GRADE PER STREET CLASSIFICATION

Street category	*Maximum grade (percent)*
Arterial	8
Major collector	10
Minor collector	10

Street category	*Maximum grade (percent)*
Local-residential	16
Non-residential local	14

APPENDIX "C"—HORIZONTAL CURVES
HORIZONTAL CURVES PER STREET CLASSIFICATION

Street category	*Minimum radium (ft.)*	*Maximum super-elevation*
Local	125	Normal crown
Non-residential local	150	Normal crown
Non-residential collector	250	See G.D.O.T. Min. Stds.

APPENDIX "D"—CURVE TANGENTS
TANGENTS PER STREET CLASSIFICATION

Street category	*Minimum tangent length (ft.)*
Local	50
Minor and major collector	100
Non-residential-local	75

APPENDIX "E"—MINIMUM RIGHT-OF-WAY PER ROADWAY CLASSIFICATION
MINIMUM RIGHT-OF-WAY PER STREET CLASSIFICATION

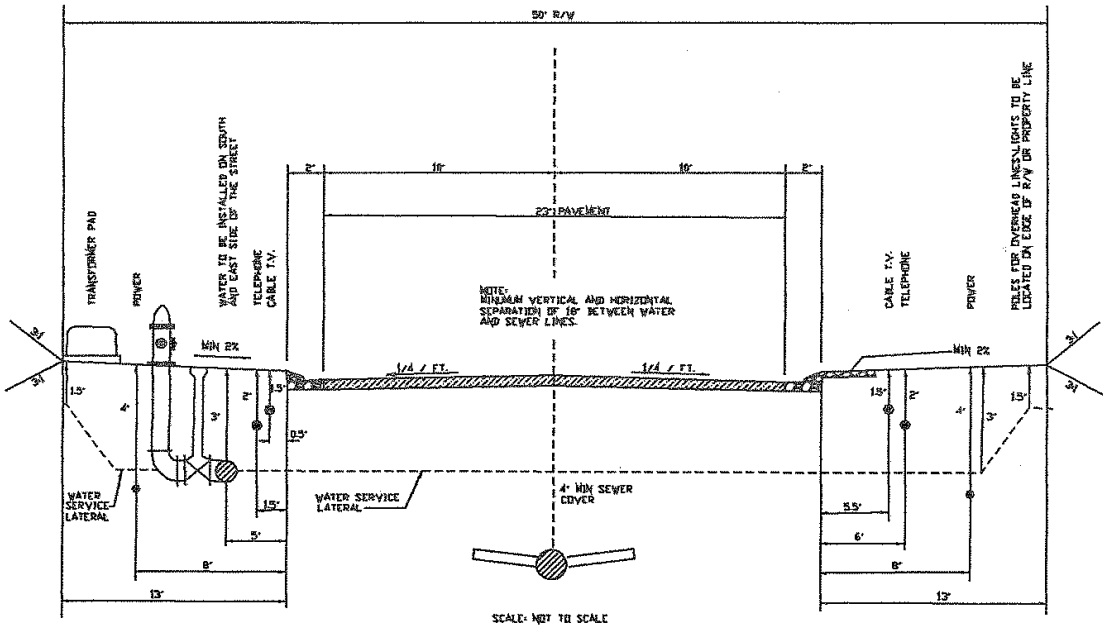
Functional classification	*Right-of-way, total width (ft.)*
Arterial—5 lane	100
Arterial—4 lane divided	110
Major collector	80
Minor collector	60

APPENDIX "F"—ROADWAY/LANE WIDTH

Functional classification	*Thru lanes (ft.)*	*Left-turn lanes (ft.)*	*Right-turn lanes (ft.)*	*Curb and gutter width (ft.)*
Arterial—5 lane	12	12	11	2.5
Arterial—4 lane divided	12	11	11	2.5
Major collector	12	12	11	2.0
Minor collector	12	12	11	2.0

APPENDIX "G"—MAXIMUM GRADES AND SUPER-ELEVATION

Functional classification	*Super-elevation*		*Maximum grade (percent)*
	Urban	*Rural*	
Arterial	.04	.06	8
Minor collector	.04	.06	10
Major collector	.04	.08	10



NOTES:
THE STANDARD FOR UTILITY PLACEMENT IS CONSIDERED THE DESIRED APPROXIMATE LOCATION FOR THE UTILITIES. FIELD CONDITIONS AND OTHER CONSIDERATIONS MAY REQUIRE MODIFICATION OF THESE APPROXIMATE LOCATIONS.

* GRADING MUST BE WITHIN 2% OF FINAL GRADE BEFORE UTILITIES MAY BE INSTALLED.

* WHERE PRACTICAL, PAVED ROADS SHALL BE BORED RATHER THAN CUT FOR THE LOCATION OF UTILITIES.

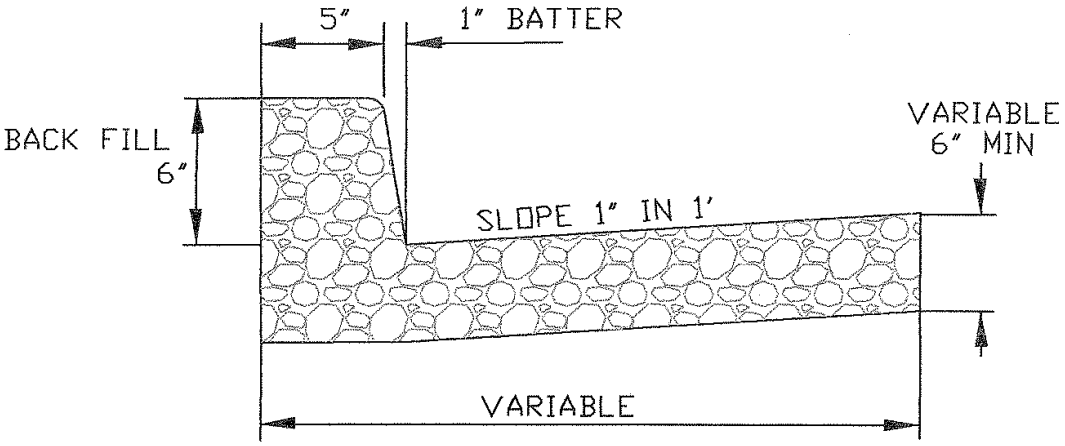
* ANY PAVED ROAD WHICH IS CUT TO A WIDTH OF TWELVE (12) INCHES OR LESS, SHALL BE FILLED WITH A COMPACTED BASE MATERIAL TO WITHIN TWO (2) INCHES OF THE RIDING SURFACE. THE REMAINING TWO (2) INCHES SHALL BE FILLED WITH ASPHALTIC CONCRETE TO ALLOW FOR A SMOOTH RIDING SURFACE.

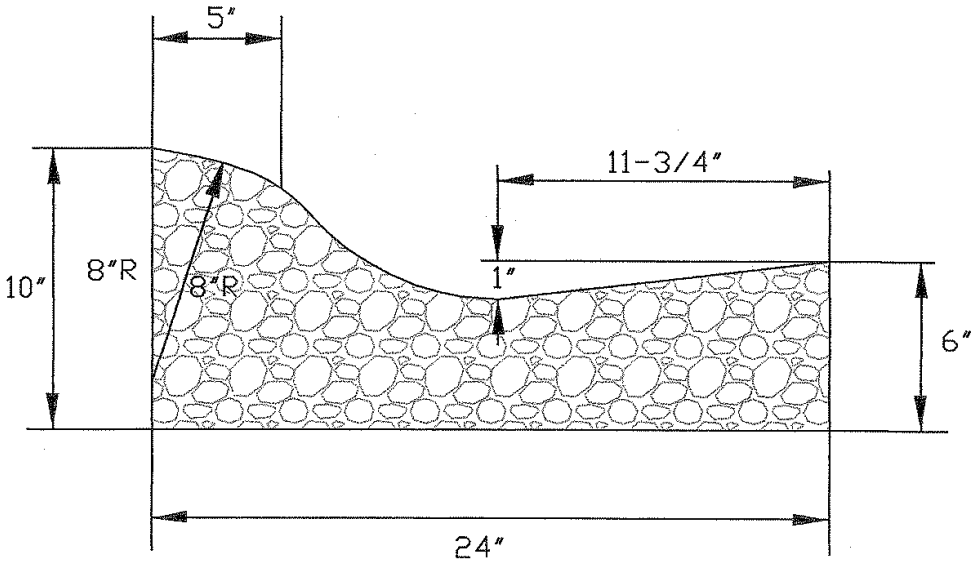
* ANY PAVED ROAD WHICH IS CUT TO A WIDTH OF MORE THAN TWELVE (12) INCHES, SHALL BE FILLED WITH A COMPACTED BASE MATERIAL TO WITHIN EIGHT (8) INCHES OF THE RIDING SURFACE AND WITH CONCRETE TO WITHIN TWO (2) INCHES OF THE RIDING SURFACE. THE REMAINING TWO (2) INCHES BE FILLED WITH ASPHALTIC CONCRETE TO ALLOW FOR A SMOOTH RIDING SURFACE.

* POWER INSTALLATION MUST BE COMPLETE BEFORE THE WATER TAPS MAY BE INSTALLED.

APPENDIX "H" – TYPICAL ROAD SECTION AND STANDARD DETAIL FOR UTILITY PLACEMENT

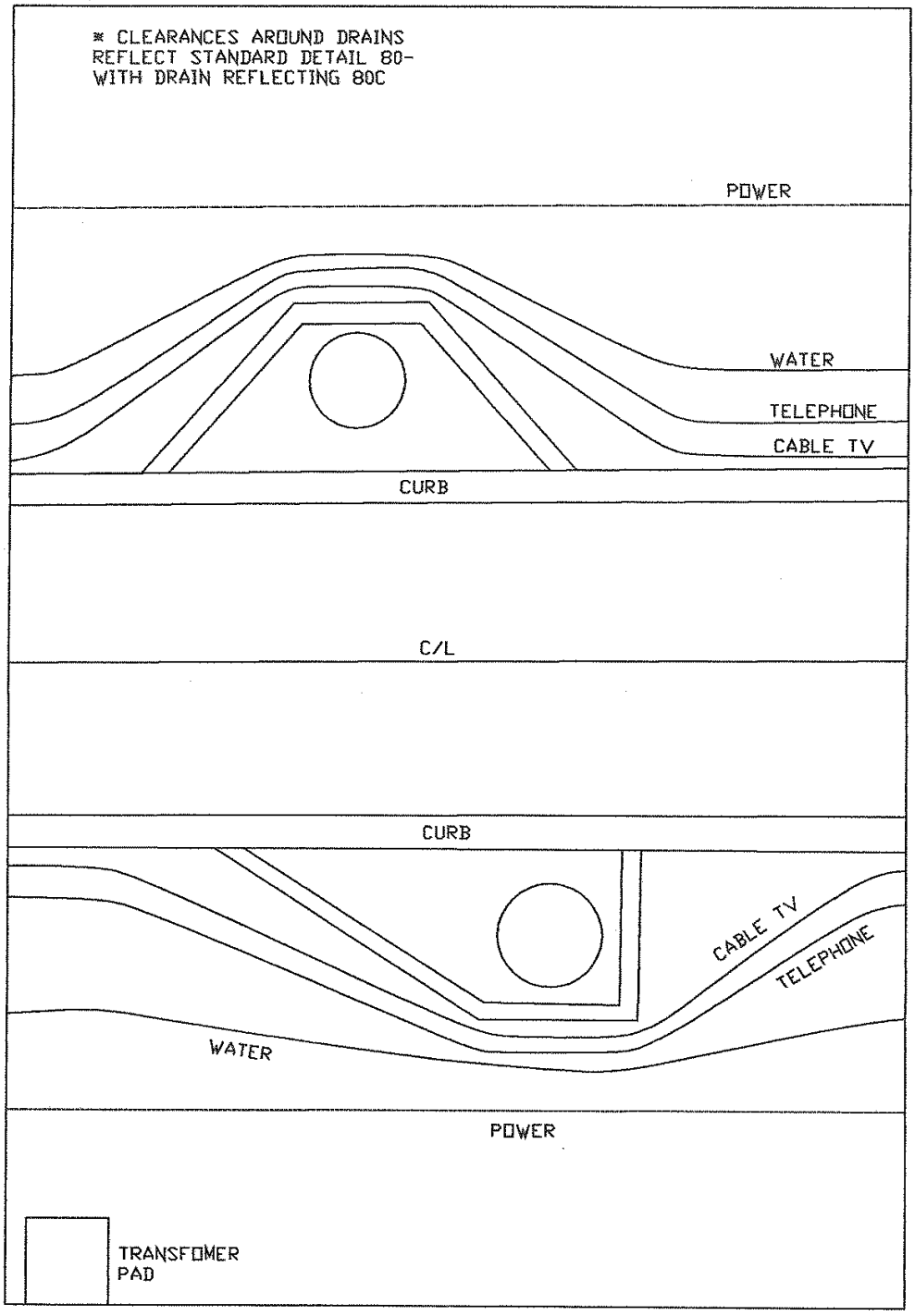
EXTRUDED CURB



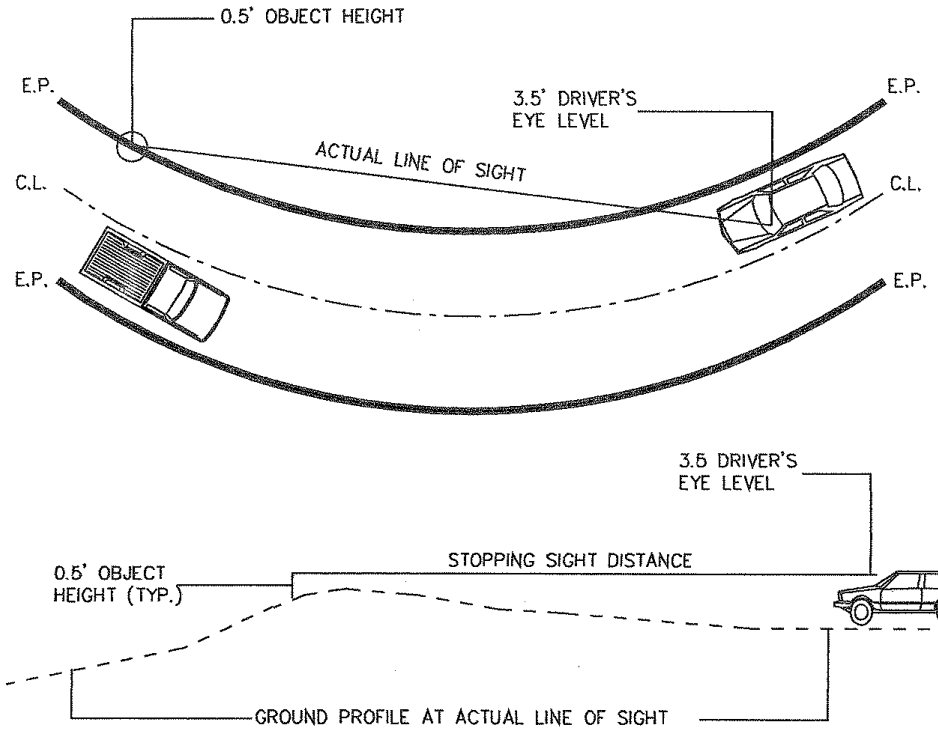


24" ROLL-OVER CURB AND GUTTER SECTION

APPENDIX "I" – CURB AND GUTTER SECTION



APPENDIX "J" – TYPICAL ROAD DRAIN LAYOUT



APPENDIX "K"–STOPPING SIGHT DISTANCE HORIZONTAL & VERTICAL PLANS

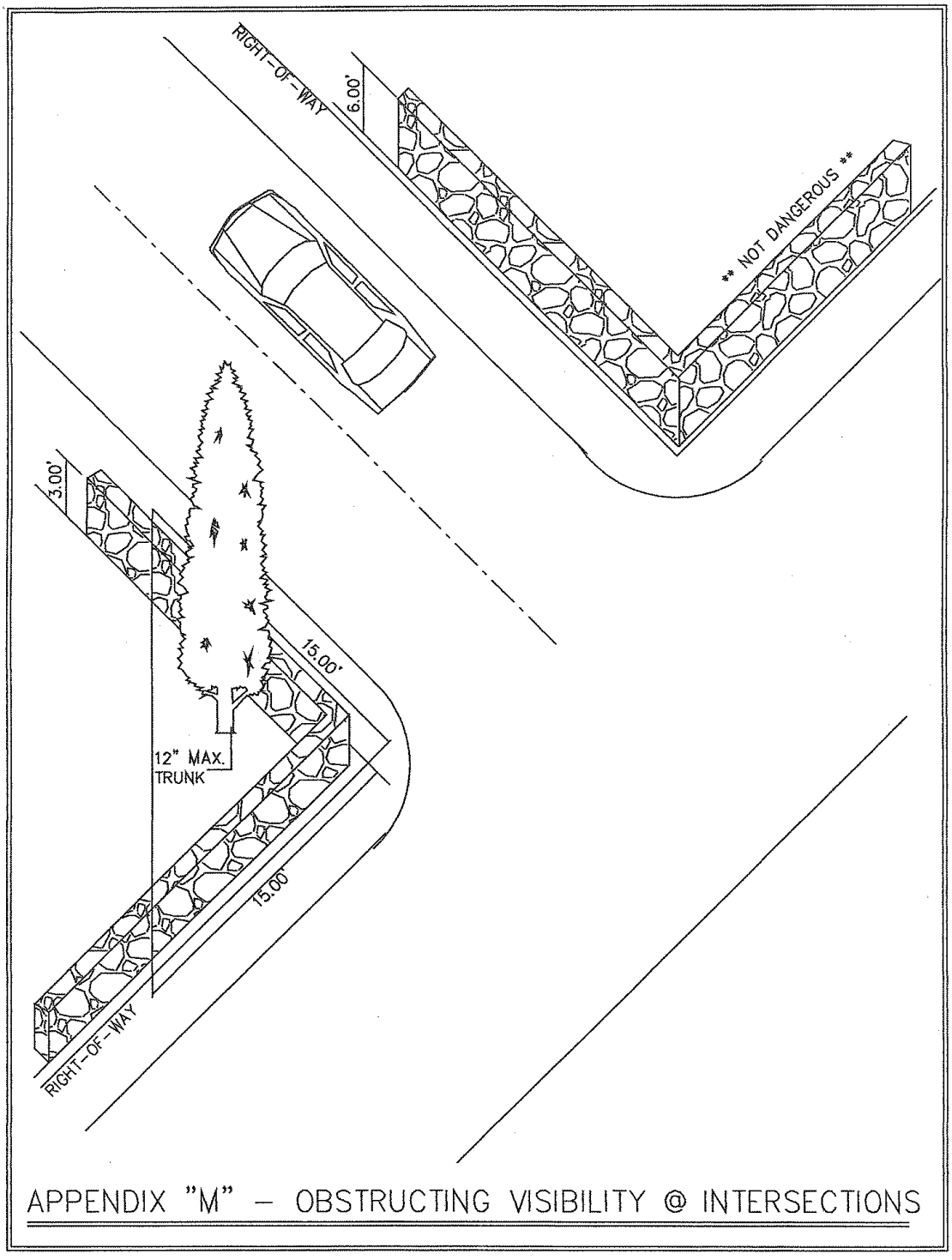
STOPPING SIGHT DISTANCE REQUIRED IN FEET

SPEED LIMIT IN M.P.H.	(CREST OR SAG)	K–VALUE
25 M.P.H.	160.00'	16.93
30 M.P.H.	200.00'	30.10
35 M.P.H.	225.00'	38.10
40 M.P.H.	275.00'	56.90
45 M.P.H.	325.00'	79.50
50 M.P.H.	400.00'	169.80
55 M.P.H.	490.00'	180.70

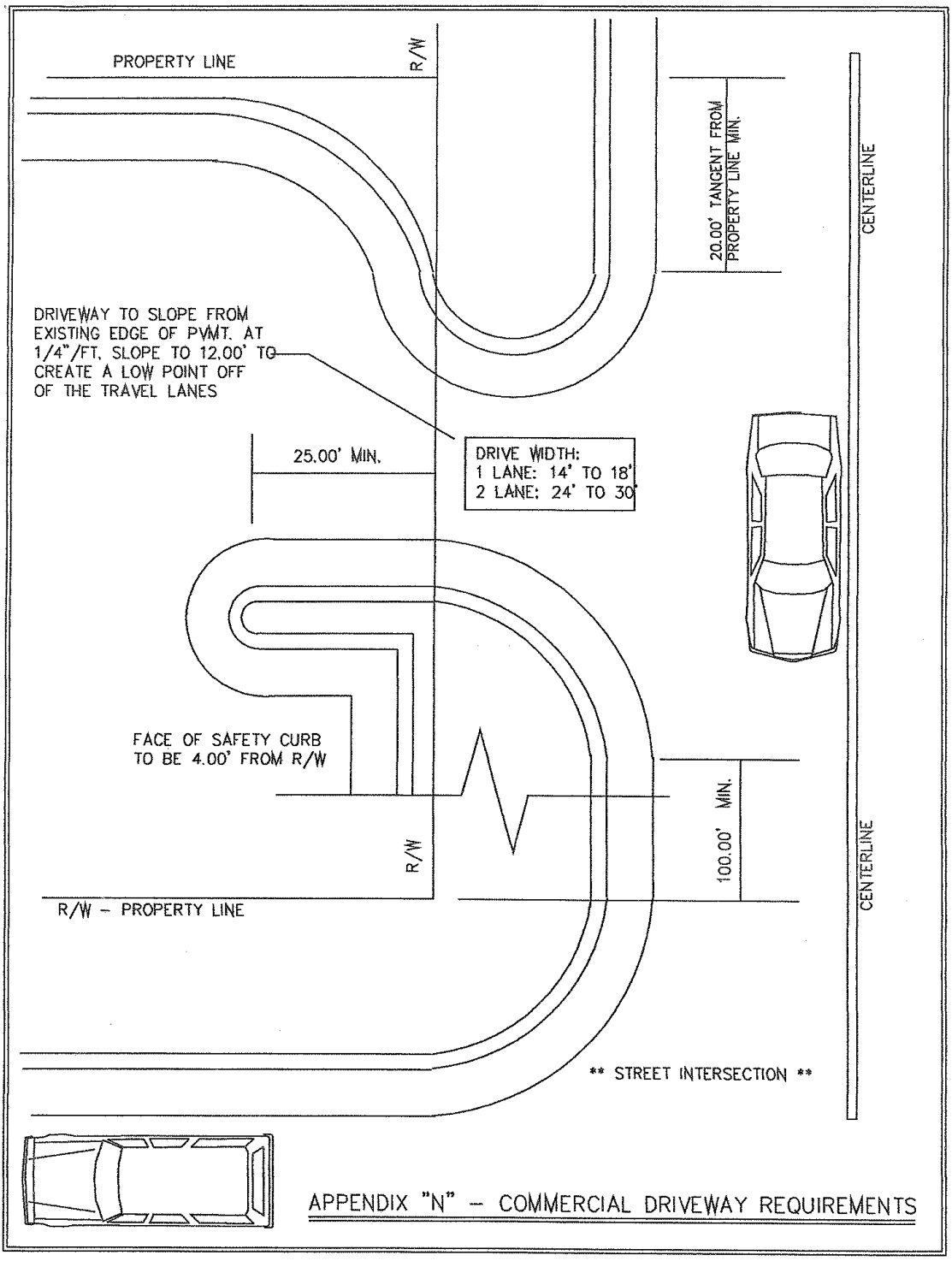
STOPPING SIGHT DISTANCE IS THE DISTANCE REQUIRED TO SEE AN OBJECT 0.5' IN HEIGHT FROM A DRIVER'S EYE LEVEL OF 3.5' IN HEIGHT AND TO STOP ON WET PAVEMENT.

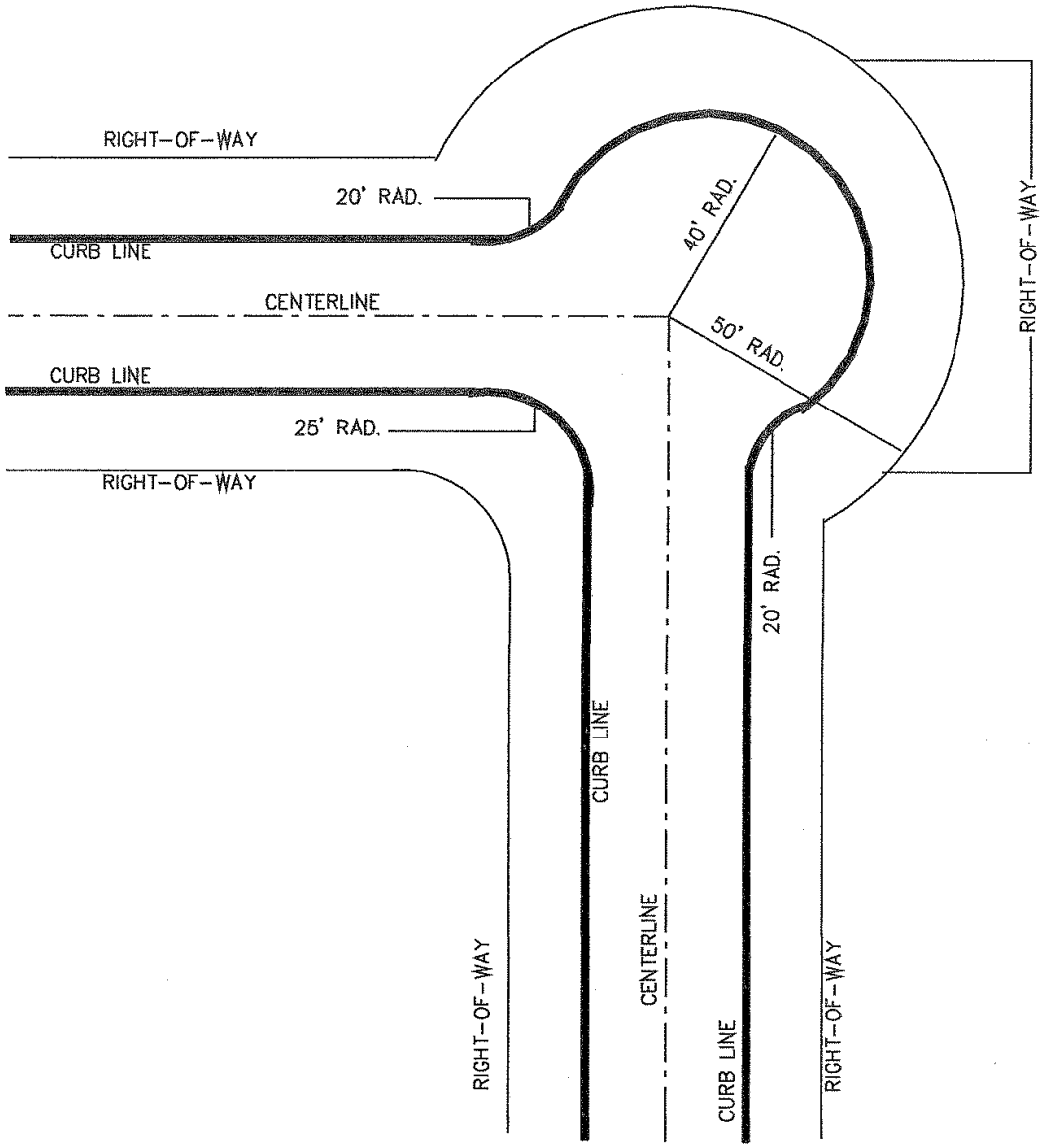
"K" VALUE IS THE COEFFICIENT BY WHICH THE ALGEBRAIC DIFFERENCE IN GRADE MAY BE MULTIPLIED TO DETERMINE THE LENGTH IN FEET OF THE VERTICAL CURVE WHICH WILL PROVIDE MINIMUM STOPPING SIGHT DISTANCE.

APPENDIX "L"– STOPPING SIGHT DISTANCE REQUIREMENTS

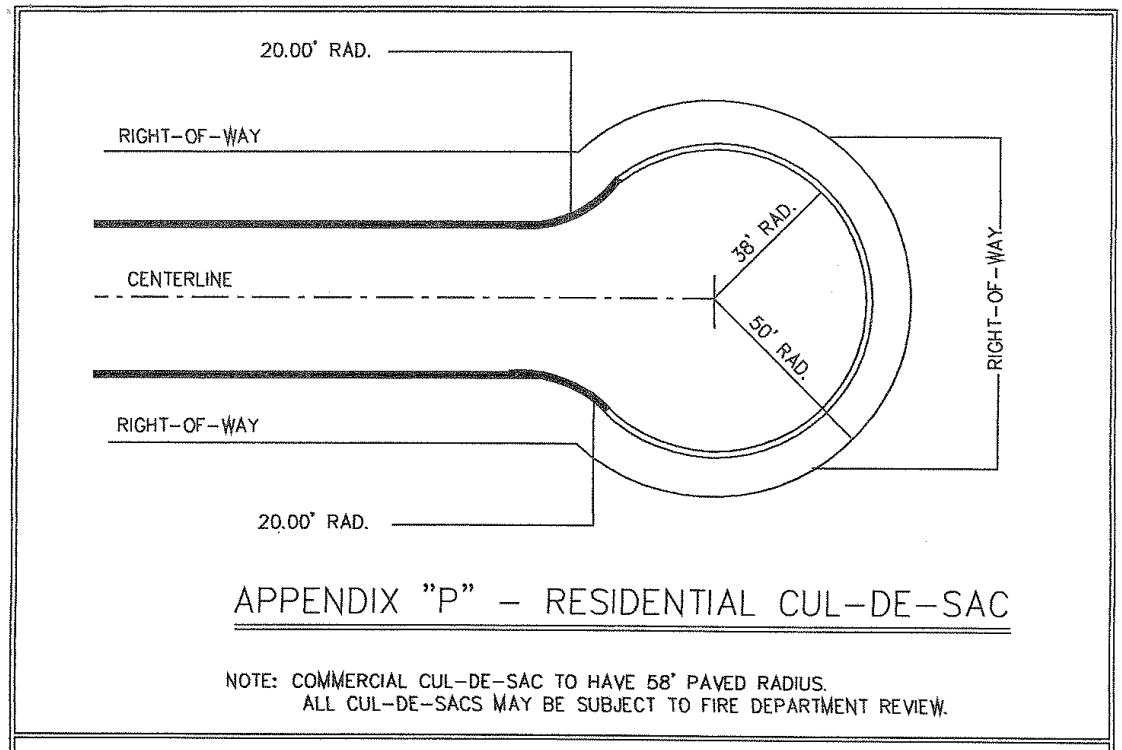


APPENDIX "M" – OBSTRUCTING VISIBILITY @ INTERSECTIONS


PROPERTY LINE
R/W
20.00' TANGENT FROM PROPERTY LINE MIN.
CENTERLINE
DRIVEWAY TO SLOPE FROM EXISTING EDGE OF PVMT. AT 1/4"/FT. SLOPE TO 12.00' TO CREATE A LOW POINT OFF OF THE TRAVEL LANES
25.00' MIN.
DRIVE WIDTH:
1 LANE: 14' TO 18'
2 LANE: 24' TO 30'
FACE OF SAFETY CURB TO BE 4.00' FROM R/W
100.00' MIN.
R/W
R/W - PROPERTY LINE
CENTERLINE
** STREET INTERSECTION **
APPENDIX "N" - COMMERCIAL DRIVEWAY REQUIREMENTS

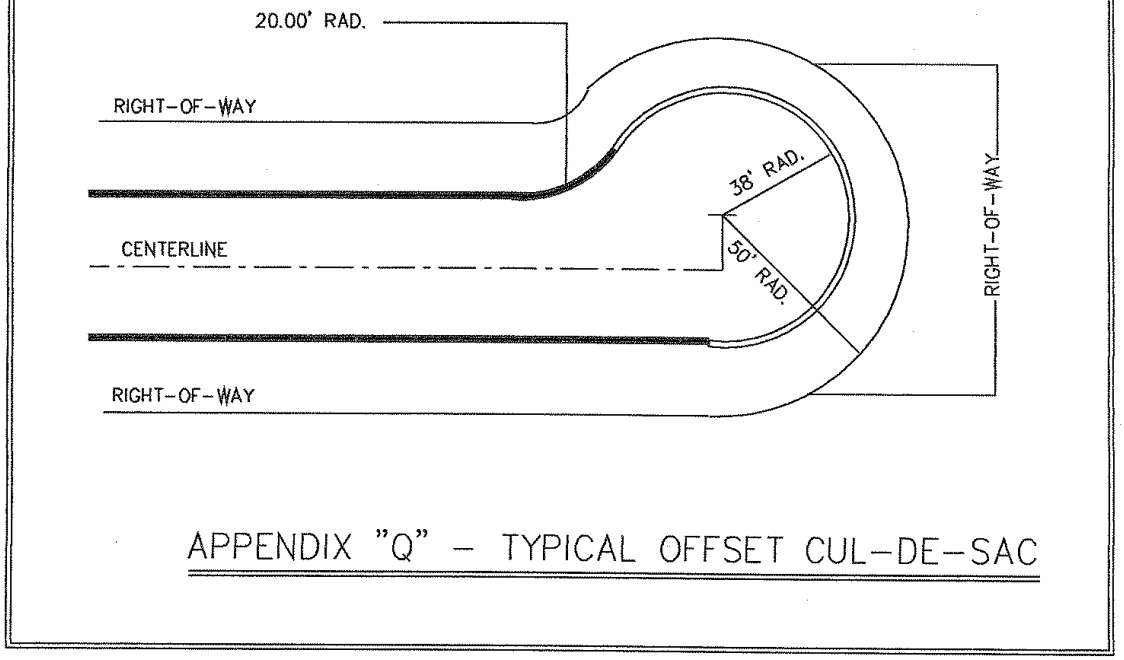


APPENDIX "O" – TYPICAL BUBBLE CUL-DE-SAC



APPENDIX "P" – RESIDENTIAL CUL-DE-SAC

NOTE: COMMERCIAL CUL-DE-SAC TO HAVE 58' PAVED RADIUS.
ALL CUL-DE-SACS MAY BE SUBJECT TO FIRE DEPARTMENT REVIEW.



APPENDIX "Q" – TYPICAL OFFSET CUL-DE-SAC

(Ord. of 3-6-2007)

Secs. 54-2—54-25. Reserved.

ARTICLE II. STREET NAMING AND ADDRESSING*

Sec. 54-26. Purpose.

The E-911 addressing department shall develop a standard system by which addresses may be assigned and maintained from this time forward. This addressing system shall be used in designating addresses for new and existing structures and to resolve address problems which may confuse citizens or delay the response of emergency services and other service providers by:

(1) Creating a formal system with standards and regulations for assigning road names to be administered by the E-911 addressing department.

a. E-911 addressing department - for new structures.

b. E-911 addressing department - for existing structures.

(2) Providing for notification of interested parties of assigned new road names and address numbers, and maintain a master record of addresses.

(3) Provide minimum standards and regulations for display of addresses and road signs that comply with Georgia Department of Transportation (GDOT), National Fire Protection Associations (NFPA), Manual on Uniform Traffic Control Devices (MUTCD), and local ordinance standards.

(4) Providing for the enforcement of these guidelines.

(Amend. of 2-1-2011)

Sec. 54-27. Road names.

The E-911 addressing department shall be the agency with exclusive authority to name roads in Murray County and for the purpose of this article, a road shall be defined as a public or private thoroughfare which meets locally established design standards and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

(Amend. of 2-1-2011)

Sec. 54-27-01. Naming roads.

(a) A road shall not be given a name which duplicates the name of any other road in Murray County.

(b) A road shall not be given a name which sounds like or approximates the name of any other road in the county.

***Editor's note—**An amendment adopted Feb. 1, 2011, repealed the former Art. II, §§ 54-26—54-28, and enacted a new Art. II as set out herein. The former Art. II pertained to street numbers and derived from Ord. No. 22, §§ 1—3, adopted Sept. 6, 1994.

(c) The proposed name of any new roads will be verified with the E-911 addressing department database to avoid duplication before any assigning will be completed.

(d) An official name shall be given to a private road or driveway and approved by the E-911 addressing department when:

(1) The road or driveway, public or private, which services three or more residences, or the location and/or length of the private road or driveway, is such that for safety and emergency purposes it is more appropriate to name the private road or driveway than to assign addresses from the main road.

(e) County road numbers or route numbers shall not be allowed in place of road names.
(Amend. of 2-1-2011)

Sec. 54-27-02. Changing existing road names.

(a) The existing road name, or the name applies to a right-of-way as shown on an approved preliminary plat or recorded plat, shall be changed when:

(1) Road construction has resulted in the extension of a road to another road so that both roads are joined in such a manner that both roads may be considered one road.

(2) In the instance of changing a road name, one of the two existing roads shall be used.

(3) The E-911 addressing department shall determine which road name is used based upon the road name which results in the fewest number of address changes and/or the road name which is the oldest.

(b) Street name changes shall only be allowed when the name is a duplicate of another street a designated postal area or within Murray County and interferes with the accurate dispatch of emergency vehicles or postal delivery.

(c) In the case of a street name change, the following procedure will be followed:

(1) The reason for the street name change shall be documented with date and reporting party.

(2) If necessary, a new numeric address shall be determined using the E-911 addressing department addressing standards.
(Amend. of 2-1-2011)

Sec. 54-27-03. Notification of road names.

The E-911 addressing department shall notify interested persons of new road names, change in existing road names and if applicable, any change in structure address numbers or length of road. The notification list shall include the affected property owners, U.S. Postal Service, Murray County Sheriff's Office, Murray County Public Works, Murray County Building Inspector, Murray County Code Enforcement and the Murray County Land Use Office.
(Amend. of 2-1-2011)

Sec. 54-28. Commemorative street naming.
(Amend. of 2-1-2011)

Sec. 54-28-01. Definition.

For the purposes of these guidelines, "commemorative naming" refers to the bestowing of an additional name to portions of streets or highways, commemorating person or events, as a way to honor or memorialize the person or event in question. A commemorative street name does not change the official street name or address of any property along that stretch of street or highway. Commemorative street naming guidelines will only be effective in the unincorporated area of Murray County.
(Amend. of 2-1-2011)

Sec. 54-28-02. Guiding principles.

(a) A proposed name will only be considered for persons posthumously; a minimum of five years must elapse from the date of death before a commemorative name proposal will be considered.

(b) For events, at least 25 years must have elapsed since the occurrence of the event.

(c) A commemorative name will only be considered for subjects with a strong association with the area, or of outstanding significance to the cultural legacy or development of the area, the state or the nation.

(d) A proposed name will be supported by the local community and reach beyond a single or special interest group.

(e) A commemorative name will not be used to commemorate victims or mark the location of accidents or tragedies.
(Amend. of 2-1-2011)

Sec. 54-28-03. Procedures.

Before contemplating a proposal and undertaking the necessary research, proponents should contact E-911 addressing department in order to obtain guidelines and procedures for establishing a commemorative name in Murray County. In order for a portion of a street or highway to receive consideration for commemorative naming, the following items shall be submitted:

(1) Map delineating the length of the section of street or highway to be named.

(2) Rationale for the proposal.

(3) Evidence that the proposed name is not in use elsewhere in Murray County and that the proposed name is acceptable and has broad community support.

(4) Brief biography and photograph of the person to be commemorated, including a description of his/her association with the area where the feature is located and an explanation of the unique contribution that would single him/her out for commemoration in the fashion.

(5) For events, a description of the event and its association with the feature in question.

(6) Statement of the proponent's relationship to the person or event to be commemorated.

(Amend. of 2-1-2011)

Sec. 54-29. Address numbering.

(Amend. of 2-1-2011)

Sec. 54-29-01. E-911 addressing department.

(a) The E-911 addressing department shall be the agency with exclusive overall administration and coordination responsibility to administer these guidelines following initial implementation.

(b) Street addresses shall be issued by the E-911 addressing department for all principle dwellings and buildings located on all officially mapped public and private roads.

(c) Addresses will be provided only on those roads that have been assigned a name in accordance with the guidelines set forth in the article.

(d) The Director of Murray County Public Works shall make the determination of where a driveway shall connect to a county road, the Director of City of Chatsworth Street Department shall make the determination upon a city street and the Georgia Department of Transportation shall make the determination upon a state highway.

(Amend. of 2-1-2011)

Sec. 54-29-02. Master street address guide (MSAG).

(a) The GIS division of E-911 addressing department shall maintain a geo-file showing the location of each structure which has an address and the address number. The geo-file shall be updated as addresses are added.

(b) The master street address guide (MSAG) will not be released for sale, lend, or copy to the general public.

(Amend. of 2-1-2011)

Sec. 54-29-03. Address numbering system.

(a) *Address numbering structure.*

(1) Even numbers shall be on the right side of roads and odd numbers shall be on the left side of roads.

(2) Numbering starts where the road begins and shall end at an intersection or actual end of the road. Mid road beginnings or endings will not occur.

(3) Numbers are determined by use of a distance measuring device and GPS equipment located in the E-911 addressing vehicle.

(b) *Fractional, alphanumeric, hyphenated addresses.*

(1) There shall be no use of fractional addresses, alphanumeric address numbers or hyphenated address numbers. This also applies to apartment numbers and suite numbers.

(c) *Component order.*

(1) Components of a street address shall always be in the following order: address number, directional prefix (if any), street name and street type, designation of apartment or suite, and apartment/suite number.

(d) *Circular streets.*

(1) A circular street/road is one that returns to the same origin point or to the same originating road/street. Circular streets/roads shall be numbered beginning at the low numbered intersection and continuing to the other end of the street/road.

(e) *Culs-de-sac.*

(1) Culs-de-sac shall be addressed using the system based on the baseline/meridian structure; odd/even numbers on the appropriate sides of the street and meeting at the midpoint, or the back of the cul-de-sac.

(f) *Corner lots.*

(1) It is preferable for corner lots to be addressed to the road that the driveway is accessed from.

(2) The assigned address will be determined by the site plan presented at the time a building permit is requested and in compliance with subsection 54-29-01(d).

(g) *Private drive/easements.*

(1) Private drive/easements may be addressed to an existing adjoining road when they serve no more than two lots or structures. A sign or post which clearly indicates the address numbers assigned to the structures shall be located at the entry point of the private drive/easement, and is the responsibility of the parcel/structure owner. Private drives and easements that serve three or more lots or structures will be named as a private road as outlined in subsection 54-27-01(d)(1).

(h) *Single-family residences.*

(1) A single-family residence shall receive its own individual address determined by the basic rule for distance and direction.

(i) *Duplex residences.*

(1) A duplex shall be addressed with each unit receiving its own individual address determined by the basic rule for distance and direction.

(i) *Apartment residences.*

(1) Apartments shall be numbered with the main building receiving one address and each individual apartment being assigned apartment numbers as secondary location indicators. The apartment number assigned should indicate floor location (e.g., Apt. 204 is the fourth apartment on the second floor). Alphanumerical numbers are not to be used. Apartment buildings with multiple entrances, where each entrance provides access to a limited number of apartments, shall require an address for each individual entrance as determined by the street allowing main access to the entrance and following the basic rule for distance and direction.

(j) *Manufactured home parks/communities/subdivisions.*

(1) Each individual manufactured home space shall be assigned its own individual address following the basic rules for distance and direction. This generally results in leaving four to eight numbers between adjacent sites.

(k) *Townhouses.*

(1) Townhouses that are individually owned and not part of an apartment complex shall be assigned an individual address for each unit as determined by the street allowing main access to the building and following basic rules for distance and direction. In cases where entry is not from the street on which the townhouse is addressed, for instance alleys or parking areas, address numbers shall be posted on both the front and rear of the structure. Townhouses that are under the apartment category will be addressed as apartments, with the main building receiving one address and each individual townhouse being assigned apartment numbers as secondary locators.

(l) *Condominiums.*

(1) Condominiums shall be assigned an individual address for each unit as determined by the street allowing main access to the building and following the basic rules for distance and direction. In cases where entry is not from the street on which the condominium is addressed, for instance alleys or parking areas, address numbers shall be posted on both the front and rear of the structure.

(2) An apartment building or townhouse complex that is converted to a condominium shall be required to be addressed with an individual address for each unit.

(m) *Office buildings.*

(1) Office buildings shall be numbered with the main building receiving one address and each individual office being assigned suite numbers as secondary location indicators. The suite number assigned should indicate the floor location (e.g., Suite 204 is the fourth office on the second floor). Alphanumerical numbers are not to be used. Office

buildings with multiple entrances, where each entrance provides access to a limited number of offices, shall be assigned an address for each individual entrance as determined by the street allowing main access to the entrance and following the basic rules for distance and direction.

(n) *Individual commercial buildings.*

(1) Individual commercial buildings shall be given one address to the road/street on which the driveway access is located as determined by the basic rules for distance and direction. When a business faces a main road, but is accessed from a secondary road/street, an address will be allowed to the main road/street if the primary entrance faces the main road/street. In addition to being posted on the side of the building facing the main road/street, this address shall be posted on the outside of the main building in a manner that is legible to the public as well as emergency responders from the point of access.

(2) An individual building, housing more than one business, shall require a separate address for each unit. Suite numbers shall not be allowed.

(3) A large retail complex/superstore that houses one main retail business with additional smaller retail spaces within (i.e., grocery store with cleaners, bank, hair salon, etc.) shall be assigned one address for the use of all businesses located within the main structure. This address shall be posted on the outside of the main building in a manner that is legible to the public as well as emergency responders.

(o) *Strip commercial buildings.*

(1) Strip commercial building shall require an address to be reserved for each individual entry door. Careful planning shall be taken to reserve enough numbers for future divisions of businesses. Each business shall receive its own individual address. If a business is large enough to use space accessed by two or more doors, the business shall be assigned the number that corresponds to its primary entrance.

(p) *Miscellaneous structure.*

(1) Outbuildings and/or utilities requiring metering that are required to have an address shall be given their own individual address, generally four to six numbers from the main residence. Outbuildings having their own access drive shall be assigned an address following basic rules for distance and direction.

(q) *Wireless tower.*

(1) A wireless tower shall be assigned one address determined by the basic rules for distance and direction. When additional carriers are added all carriers will be assigned a suite number with the address including the carrier. A sign or post which clearly indicates the address numbers assigned to the tower shall be located at the entry point of the road/street on which tower is located.

(Amend. of 2-1-2011)

Sec. 54-29-04. Changing address numbers.

It shall be the policy of these guidelines to discourage the practice of changing existing addresses or address numbers which are already in use.

(1) Exceptions.

a. If the existing address number is not in sequence and does not run consecutively in the same direction as the county address system.

b. If the existing address number is such that assignment of address numbers for new structures is not practical and in keeping with the requirements.

c. When a new road is constructed, or recognized, and when the most appropriate address for a structure should be on that new road rather than the original road. For example, such as when a structure is on previously land locked property and then has a new road built to service it.

d. If it is determined that an address needs to be changed for safety and emergency purposes.

e. When an address is duplicated or otherwise in violation of these guidelines.

(2) Whenever an error in a numeric address or street name comes to the attention of the E-911 addressing department, they shall initiate proceedings to correct the error.

(3) Address changes become effective within 30 days of receipt of notice of address correction. A resident who does not put a change of address in with their post office and who does not display the new correct address within the 30-day period will be in violation of these guidelines and subject to penalty as provided by the guidelines.

(4) In the case of a numeric address change, the following procedure shall be followed:

a. The reason for the numeric change shall be documented with the date and signature of reporting party.

b. A new numeric address shall be determined using the E-911 addressing department addressing standard.

c. The property owner or owners shall be contacted in written form using the governing addressor's information to identify ownership.

(Amend. of 2-1-2011)

Sec. 54-29-05. Notification of address.

The building inspection department shall notify the E-911 addressing department when a building permit has been issued that will require an address. The E-911 addressing department shall have five business days to issue the new address if location complies with all rules and regulations contained in this article or other ordinances, or rules and regulations of other governing departments, agencies or entities.

(1) The Murray County E-911 Addressing Department shall assign addresses and provide the person with a form containing the following information:

a. The structure address number;

b. Compass designation;

c. Road name;

d. Street suffix name.

(2) The applicant shall make use of this form to notify in turn utilities, post office, or other interested persons or parties.

(3) The building inspection department shall not perform inspections until after an address number has been issued for the proposed structure.

(4) The E-911 addressing department shall assign addresses in the original instance after adoption of these guidelines.

(5) In cases where an existing address number is changed, the E-911 addressing department shall send written notice to each resident, occupant, or person with an affected address on the road/street and to the owner, if different of structures with a change of address form within ten days by mail or personal delivery.

(Amend. of 2-1-2011)

Sec. 54-30. Display of address number and street name signs.

(Amend. of 2-1-2011)

Sec. 54-30-01. Display of address number.

It shall be the responsibility of each property owner, trustee, lessee, agent and occupant of each residence, apartment building, business or industry to post and maintain, at all times, address numbers as required under this policy. All addresses shall be displayed in such a way that they are unobstructed and legible from the traveled roadway.

(1) When a cluster box is used it will only be required for the address to be displayed on the structure.

(2) Manufactured homes located within a development shall display the address number in numbers of at least four inches in height and on the side of the home facing the access road.

(3) Structures located within a subdivision, condominium or within a city or village that is within 50 feet from the edge of the road right-of-way shall:

a. Display the assigned address number on the structure in such a way that is visible from the road or at the entrance to the structure.

b. The address shall also be displayed on both sides of the mailbox.

c. The address shall be composed of reflective numbers that are not less than four inches in height and in contrast to the background to which they are affixed.

d. The address shall not be obstructed in any way by form of landscape, other mailboxes or newspaper delivery boxes.

(4) When the mailbox is obstructed, it will be required that an address sign be displayed at the road, following the standards listed for structures located more than 50 feet from the road/street.

(5) Structures located more than 50 feet from the edge of the road right-of-way shall comply with the previous requirements listed for structures within 50 feet of the edge of the right-of-way and in addition shall:

a. Display the assigned address number on a post, fence or wall or other permanent structure no farther than ten feet back from the edge of the traveled roadway.

b. The address shall be composed of reflective numbers that are not less than four inches in height and in contrast to the background to which they are affixed.

c. The numbers shall be not less than four feet and not more than seven feet above the ground.

(Amend. of 2-1-2011)

Sec. 54-30-02. Display of street name signs.

New roads shall have permanent street name signs posted by the date of final approval given by the Murray County Planning and Zoning Department and all other departments that govern developments. Street name signs on public roads shall be installed in accordance with section 54-1-17 of The Code of Murray County.

(1) All road signs shall be MUTCD compliant for both public and private roads.

(2) All public street name signs shall have a white legend on a green background.

(3) All private street/road signs shall have a white legend on blue background.

(Amend. of 2-1-2011)

Sec. 54-31. Enforcement.

The provisions of this article shall be enforced by any law enforcement officer, code enforcement officer, county marshal, E-911 addressing department officer, building inspector, fire chief or designee, or any person that the county commissioner shall so designate and pursuant to law. Any person violating any provision of this article, and upon conviction, shall be subject to a fine not to exceed $1,000.00, 60 days imprisonment, or both.

(Amend. of 2-1-2011)

Secs. 54-32—54-50. Reserved.

ARTICLE III. DRIVEWAYS

Sec. 54-51. Permit required for installation.

Before installing any type of driveway or means of ingress and egress to any property abutting a county road or county-maintained road, the owner or the person installing such driveway must file a right-of-way encroachment permit application with the Murray County Public Works Department.
(Ord. of 10-11-2005, Amend. No. 1; Amend. of 6-5-2018(6))

Sec. 54-52. Residential driveways.

Residential driveways shall only be used for access to a residential dwelling or dwellings.
(Amend. of 6-5-2018(6))

Editor's note—An ordinance adopted June 5, 2018, changed the title of § 54-52 from "Permit provisions" to read as herein set out.

Sec. 54-53. Minimum pipe sizes.

A minimum pipe size of 15 inches must be used for all driveway construction and a minimum pipe size of 18 inches must be used for all cross-drains under the road.

Sec. 54-54. Responsibility of permittee.

Driveway construction and material shall be the responsibility of the owner or applicant for the permit.

Sec. 54-55. Inspection of work.

All work shall be in conformity with the permit as granted and shall be subject to inspection by an authorized representative of the county commissioner.

Sec. 54-56. Other driveways.

(a) *Utility driveways.* Access to utility sites such as power substations, water tanks, pump stations, or telephone service sites, should be treated much the same as a residential drive for design and sight distance. The vehicle must not reduce sight distance for driveways located along the same section of roadway. A utility driveway may or may not count as one allowed access point along an applicant's frontage, depending on the length of frontage and safety considerations.

(b) *Temporary driveways.* Driveways for any temporary use, which for the purpose of this article shall include, but not be limited to, construction sites, borrow pits, and timber harvesting operations. Such temporary driveways shall be a minimum of 20 feet wide, 50 feet in length and shall be constructed of crushed stone, measuring 1.5 to 3.5 inches, six inches in depth and shall have a Geotech type filter fabric under the entire pad. The pad

shall be maintained in a condition that will prevent tracking or flow of mud onto the public right-of-way. Any mud and debris tracked or spilled onto the roadway shall be removed immediately.
(Ord. of 10-11-2005, Amend. No. 1; Amend. of 6-5-2018(6))

Sec. 54-57. Commercial driveway specifications.

(a) Any party desiring to encroach upon a county right-of-way for any commercial driveway, which for the purpose of this article, shall include, but not be limited to, multi-family dwellings, schools, churches, businesses, industrial, etc., must file an encroachment permit application to the county commissioner through the land use office.

(b) Purpose. The specifications presented herein are intended to provide basic information for permit approval. When presented with this information, the land use office can review the application in a timely manner and fulfill its responsibility to preserve the functional integrity of the county highway system and to promote the safe and efficient movement of people and goods throughout the county and to treat all applicants fairly and equitably.

(c) Plan requirements. Five blue line or black line copies of the plans, "A1" metric series — 594 × 841 mm (22 inches × 34 inches) maximum, will normally be submitted with a properly completed permit application.

(1) *Design information.* The following information should be included on, or with, each plan submission:

a. An overall site plan and location sketch map.

b. All existing features should be shown with dashed lines and all proposed features shown with solid lines. This should be clearly shown on the plan legend.

c. Location of all property lines and the names of all property owners surrounding the development site.

d. The distance from the centerline of the highway or road to the R/W line. (A general statement such as "right-of-way varies" is not acceptable.)

e. Existing and proposed elevations sufficient to show the natural and proposed drainage features within the property to be developed. This should include all of the adjacent highway R/W and any elevations needed to show how water flows once it leaves this property.

f. A north arrow.

g. All existing traffic signs within the frontage being developed.

h. The width of existing roadway pavements, lane widths, lane lines and direction of travel (using directional arrows) within the lanes.

i. The total length of frontage of the property owned and, if different, the length of the frontage being developed under the permit.

j. Location, size and type of any trees, shrubs, bushes or other vegetation, which exist on county R/W.

k. The distance from the edge of pavement to the side ditch and the direction of the flow of water within the ditch.

l. The location and size of any existing and proposed side drain or cross drain culverts.

m. Location of existing and proposed buildings, pumps, signs, grease racks, wash racks, underground storage tanks, etc.

n. The proposed driveway width, measured either from face of curb to face of barb or from edge of pavement to edge of pavement. This measurement shall be perpendicular to the centerline of the driveway at its narrowest point.

o. The distance from the centerline of the driveway to each property line, measured along the R/W line.

p. Driveways and any new shoulder work on a tangent section should slope downward and away from the edge of pavement for a distance of at least 3.6m (12 feet) at a slope rate of 2.08 percent (¼-inch per foot), generally, including any accel./decal. lane. If located in a super elevated section, all construction should match the super-elevation for at least 3.6m (12 feet).

q. Sight distance at each driveway.

r. The difference in elevation between the roadway and the driveway at the R/W line. The slope should not be greater than +/-6.25 percent, if practical. There are situations, which require greater slopes; these should be examined carefully before approving their use. In no case should the slope exceed ten percent.

s. Georgia DOT Standard 9031-W (wheelchair ramps) must be included at all driveways and streets where sidewalk is installed or there is evidence of pedestrian traffic.

(2) *Driveway encroachment.*

a. Connecting curve or curb return. No portion of a driveway, including the radius, should intersect a curb return or the pavement on a curve connecting two (2) highways or streets.

b. R/W line projection. No portion of a driveway should be within the area between the normal R/W lines projected to the curb line or edge of pavement at an intersection. The Land Use Office may waive this provision when a deep R/W or an acute angle formed by the intersection makes such action appropriate.

c. R/W miter. No part of any driveway should be permitted to encroach upon the R/W miter. The R/W miter is that additional R/W which has been secured for the highway behind the prolongation of the normal R/W lines.

d. Intersection features.

i. The legs, connections, ramps, and other roadway features of a highway intersection or interchange are a part of the intersection or interchange. The safety of the public and the planned movement of traffic require that no driveway be connected with such features for the purpose of serving a commercial business.

ii. A driveway serving a roadside area should not be connected to a service or frontage road of a limited access road in the area where said service road serves the dual purpose of a leg, connector or ramp of an intersection or interchange.

iii. No driveway should be connected to a frontage road or service road in the area where the service is widened or curved for the connection with an interchange or intersection connection, ramp or leg.

iv. No portion of a driveway, other than a normal radius, should enter the R/W at a point, which is less than 7.6m (25 feet) from the point of intersection of the R/W lines. Where limited access R/W exists and the frontage is limited in a manner which would deny all access to the property, this distance may be reduced to 3m (10 feet).

(Ord. of 10-11-2005, Amend. No. 1)

Sec. 54-58. When a driveway may be closed or altered.

In addition to the conditions agreed to by the applicant, the county may alter or close driveway(s) or require the applicant to alter or close driveway(s) to property abutting county roads for the following reasons:

(1) If the driveway(s) creates an unreasonable interference with the proper use of a public road by the traveling public.

(2) When it becomes necessary to use the R/W to widen and improve the existing roadway or to construct service roads or to make any other revisions in location, alignment or grade of the roadway, making the approved drive(s) impractical, hazardous or otherwise objectionable.

(Ord. of 10-11-2005, Amend. No. 1)

Sec. 54-59. Other encroachments permit required.

Any party desiring to encroach upon a county right-of-way for any reason other than to use said right-of-way for its intended purposes must file an encroachment permit application to the county commissioner through the land use office, including a site plan, and, if requested, a landscaping plan and a cross-section plan, each of which conforms to the county's standards and specifications.

(1) *Site plan.* The following information should be included on or with each application for a special encroachment permit:

a. An overall site plan and location sketch map.

b. All existing features should be shown with dashed lines and all proposed features shown with solid lines. This should be clearly shown on the plan legend.

c. Location of all property lines and the names of the property owner on either side of the property being developed.

d. The distance from the centerline of he highway or road to the R/W line. (A general statement such as "Right-of-way varies" is not acceptable.)

e. County route numbers, state route numbers and U.S. route numbers (if applicable) and names of all highways and roads, which appear on the plans. Designations such as "county road," "cross road," or "city street" are not specific enough and should not be used.

f. Existing and proposed contour lines or elevations sufficient to show the natural and proposed drainage features within the property to be developed. This should include all of the adjacent highway R/W and any elevations needed to show how the water flows once it leaves this property.

g. Distance from one corner of the property, along the R/W line of the abutting road, to the centerline of the nearest named street, road or highway.

h. A north arrow.

i. The DOT milepost, if available, estimated to the nearest hundredth of a mile, at the center of the property being developed. When using milepost along an interstate route, use the cumulative milepost instead of the county milepost.

j. The posted speed limit.

k. All existing and proposed DOT signs within the frontage being developed.

l. The width of existing roadway pavements, lane widths, lane lines and direction of travel (using directional arrows) within the lanes.

m. The total length of frontage of the property owned and, if different, the length of the frontage being developed under the permit.

n. Location, size and type of any trees, shrubs, bushes or other vegetation, which exist on county right-of-way.

o. A title block showing the name of the property owner and the permit applicant, if different from the property owner, and the county in which the project is located. The name of the engineer or individual who prepared the plans should be included also.

p. Existing and proposed ditches on the applicant's property.

q. Location, size, length, type of material and direction of flow within any existing or proposed pipes or culverts on the site.

r. Station numbers along the edge of pavement to match cross-section locations. Use highway stationing if possible.

(2) *Cross-section plan.*

a. Cross-sections, if requested by the land use office, taken at right angles to the centerline of the highway at 15m (50 foot) intervals, or less depending on the consistency of the terrain along the property frontage, with at least one cross-section showing the existing ground line beyond the proposed grading limits at either end.

b. Cross-sections should start at the pavement edge and extend at least 15 (50 feet) behind the R/W line.

c. Cross-sections should always be plotted on a 1:12 (1" = 1`) ratio.

d. Existing and proposed finished contours should be shown in order to clarify proposed work.

e. Slopes with a county R/W should be 4:1 or flatter.

f. Quantities of cut and fill within county R/W should be calculated and shown on the plan apart from overall earthwork quantities.

g. A dashed line should be used to indicate existing ground line and a solid line to indicate the proposed finished ground line.

h. Spot elevations should be shown at sufficient intervals to depict existing ground conditions.

i. Requests involving limited access highways may require suitable photographs of the site showing all existing features.

j. In "cut" sections, a high point rollover should be established or maintained between the ditch or curb and the R/W line. This rollover should be at least 0.3m (one-foot) above a line from the edge of pavement to the finished grade of the applicant's site. If headlight glare is a likely problem, enough landscaping to screen the glare or a 1.2m (four-foot) high rollover may be required.

(3) *Landscaping plan.*

a. If requested by the land use office, two sets of an overall sight plan and location sketch map.

b. The scale of the drawing should be 1:600 (1" = 50`) or larger. If a smaller scale is used for overall plans, then enlarged details of the work on the R/W must be furnished on a 1:600 (1" = 50`) or larger scale.

c. All existing features should be shown with dashed lines and all proposed features shown with solid lines. This should be clearly shown on the plan legend.

d. Location of all property lines and the names of the type business or property owner on either side of the property being developed.

e. The distance from the centerline of the highway or road to the R/W line. (A general statement such as "Rights-of-way varies" is not acceptable.)

f. County route numbers, state route numbers and U.S. route numbers (if applicable) and names of all highways and roads which appear on the plans. Designations such as "county road," "cross road," or "city street" are not specific enough and should not be used.

g. Existing and proposed contour lines or elevations sufficient to show the natural and proposed drainage features within the property to be developed. This should include all of the adjacent highway R/W and any elevations needed to show how the water flows once it leaves this property. Flow arrows should also be used along with contour lines and elevations.

h. Distance from one corner of the property, along the R/W of the abutting road, to the centerline of the nearest named street, road or highway.

i. A north arrow.

j. The DOT milepost, if available, estimated to the nearest tenth of a mile to some point on the property being developed.

k. The posted speed limit.

l. All existing traffic signs within the frontage being developed.

m. The width of existing roadway pavements, lane lines and direction of travel (using directional arrows) within the lanes.

n. The total length of the frontage of the property owned and, if different, the length of the frontage being developed under the permit.

o. Location, size and type of any trees, shrubs, bushes or other vegetation, which exists on county R/W.

p. Suitable photography, snap shots or VHS video tape, of the site showing all existing features may be required for proper review of the application.

q. A title block showing the name of the property owner and the permit applicant, if different from the property owner. The name of the engineer or individual who prepared the plans should also be included.

r. Location and size of any existing and proposed side drains or cross drain culverts, pipes, catch basins, detention ponds, ditches, etc., and direction of flow within the structure.

s. Plants which exceed 760mm (30 inches) in height and/or a trunk diameter of 100mm (four inches) at maturity cannot be planted within 9m (30 feet) of the pavement edge. In urban areas on streets where speeds are 110 kph (35 mph) or less, a 2.5m (eight foot) setback from back of curb will be required. Some flexibility may be exercised relative to maximum trunk diameter when protected by guardrail or some other suitable type barrier. Almost any type of vegetation may be planted beyond 9m (30 feet) from the pavement edge.

AASHTO design guidelines for clear zone must be observed as a minimum separation between plants over 100mm (four inches) in diameter and the edge of the through-traffic lane.

(Ord. of 10-11-2005, Amend. No. 1)

Sec. 54-60. Prohibited encroachments.

(a) County R/W must not be used for parking or storage of any vehicle, except for temporary parking of disabled vehicles on the shoulder of the roads.

(b) No materials can be stored or placed upon county R/W unless authorized by the public works department.

(c) Stormwater from property adjacent to the R/W may not be diverted into the highway drainage system. Commercial wastewater will not be allowed on county R/W.

(d) No walls, fences, large rocks, monuments, structures, trees or other plant life can be placed on or removed from county R/W without a special encroachment permit.

(e) Placement of unauthorized signage of any type or size. The following is a non-exhaustive list of examples of prohibited types of signage:

(1) Political;

(2) Advertising;

(3) Yard sale;

(4) Directional;

(5) Real estate; and

(6) Informational.

(Ord. of 10-11-2005, Amend. No. 1; Amend. of 4-3-2018)

Sec. 54-61. Exemptions.

Exemptions include official county, state or federal required traffic, directional or informational signage, electrical traffic control devices, barricades, or other types of encroachments deemed necessary by the county governing authority.

(Amend. of 4-3-2018)

Secs. 54-62—54-175. Reserved.

ARTICLE IV. HAULING AND LOGGING OPERATIONS*

DIVISION 1. GENERALLY

Sec. 54-176. Scope.

This article shall cover any person who encroaches upon a county right-of-way in carrying out business by loading, transporting, unloading of manufactured or unmanufactured products of any nature, or any other related activity, whether on the road surface or a county right-of-way or crossing the paved or unpaved portion of the right-of-way, including the shoulder, ditches or embankments.
(Amend. of 5-1-2018)

Sec. 54-177. 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:

Access means any temporary roadway, drive, structure, fill, or device, existing or constructed, that is used or employed for the purpose of crossing, travel upon or use of county road rights-of-way.

County right-of-way means the shoulder, front slope, ditch, drain, and back slope, facility, surface or any appurtenance of any county road.

County road means any county-owned or maintained highway, road, street, avenue, drive, detour, or other way open to the public and intended or used for the passage of motor vehicles.

Heavy equipment machinery and vehicles means any and all devices in, upon, or by which any person or property may be transported or drawn, including, but not limited to, semi-trailers, trailers, tanker trucks or tanker trailers, tractors and truck-tractors; provided, however, that vehicles in use immediately for the control or extinguishing of wild fire shall be exempt from this article or other emergency type vehicles.

Loading, unloading and hauling shall be defined by its everyday meaning but also shall include any activity known as harvesting of unmanufactured forest products including but not limited to pulpwood, logs, posts or wood chips, or any type of construction materials or debris.

Operations means those activities contemplated by this article, including the loading, unloading or transporting of raw materials and construction related activities.

***Editor's note—**An ordinance adopted May 1, 2018, repealed Art. IV, §§ 54-176—54-182, 54-206—54-209, 54-236—54-242, and enacted a new Art. IV, §§ 54-176—54-186 as set out herein. The former Art. IV pertained to similar subject matter and derived from the original Code.

Operator means any person, and the officer's agents, and employees thereof, carrying out any of the activities contemplated by this article.

Temporary access means access for any temporary use, which for the purpose of this article shall include, but not be limited to, construction sites, borrow pits, and timber harvesting operations.

Timber harvester means any person involved in loading and hauling of pulpwood, logs, posts or wood chips and/or logging and timber operations coming under the provisions of this article.
(Amend. of 5-1-2018)

DIVISION 2. NOTIFICATION

Sec. 54-178. Notice.

No timber harvester or operator shall use an existing driveway or access point, nor shall he install any new driveway, temporary driveway, or means of ingress and egress to any property abutting a county road or county-maintained road without first giving notification to the county commissioner, for and receiving authorization for such installation or use, through the Murray County Public Works Department, which,

(1) *Notice - Timber harvester.* Notice shall be made using Form 12-6-24, Notice of timber harvest activity, as outlined under O.C.G.A. § 12-6-24, a copy of which, can be obtained from the Murray County Public Works Department. (MCPWD)

(2) *Notice - Operator.* Notice shall be made to the Murray County Public Works Department of any proposed hauling activity which shall require access to any property abutting a county road or county-maintained road. The notice shall be made on a form provided by the MCPWD.

(3) *Submission.* Notice may be submitted in person to the Murray County Public Works at 684 Hwy. 52 East, Chatsworth, Georgia; by facsimile (706) 517-5500, by mail to the Murray County Public Works, P.O. Box 1129, Chatsworth, Georgia 30705 or by email, publicworks@murraycountyga.gov.

(4) *Changes and amendments.* If at any time circumstances reported in the notice change, the notice shall be amended within three business days or shall cease to be effective.

(5) *Surety prerequisite.* Notice shall not be effective unless a valid surety bond or irrevocable letter of credit is delivered beforehand.
(Amend. of 5-1-2018)

Sec. 54-179. Surety requirements.

(a) *Surety bond or letter of credit required.* Persons or firms subject to notice requirements shall deliver a surety bond or an irrevocable letter of credit to the county prior to the notice becoming or remaining effective.

(b) *Surety bond.* The surety bond shall be executed by a surety corporation authorized to transact business in the state (and which is listed on the U.S. Treasury Circular 570 at the time of filing), and such bond shall be issued to protect the county against any damage caused by the person or firm engaged in timber harvesting or hauling, in the amount of $5,000.00. The form of the surety bond must be approved by the county prior to acceptance.

(c) *Irrevocable letter of credit.* In lieu of a surety bond, an irrevocable letter of credit, issued by a bank or savings and loan association authorized to do business in the state, may be issued in the amount of $5,000.00. The form of the irrevocable letter of credit must be approved by Murray County prior to acceptance.

(d) *Duration.* Such letter of credit shall only be valid for the calendar year it is delivered to the county, and shall be renewed each year that the person or firm, subject to the notice requirement, shall operate within the county.

(e) *Release.* Upon completion of the operations and inspection by the appropriate county official, at the request of the applicant, the bond shall be returned to the applicant subject to deductions for repairs that are reasonably required under this article.
(Amend. of 5-1-2018)

DIVISION 3. OPERATION REQUIREMENTS

Sec. 54-180. Standards for prevention of contamination.

(a) *Temporary exit requirements.* A temporary exit must be installed and maintained for any timbering operation in the county, at any point of egress from a timber harvesting tract onto a public right-of-way or street. Such exit must be established and maintained prior to any timber hauling vehicles or timbering equipment leaving the site, and shall be maintained until the timber hauling operation is completed, and shall meet or exceed the following specifications:

(1) Drainage pipe may be required at the discretion of the public works director or his agent. The harvester can at their option install such a temporary driveway with a drainage pipe of appropriate specifications or request the county to install said driveway at the expense of the harvester.

(2) The exit pad shall be adequate to substantially eliminate the transport of mud from the timber site by either vehicles or equipment or from water runoff.

(3) The exit pad must at least be 20 feet in width by 50 feet in length with a excavated footprint three inches deep and filled to a depth of six inches with 1.5-inch to

three-inch stone. A geotextile filter fabric must be installed underneath the entire pad. The pad may be required to be an additional width, length and/or depth, if in the opinion of the public works director, conditions so warrant.

(b) *Contamination of rights-of-way.* No operator shall allow dirt, mud or other debris resulting from any type of operation to accumulate upon the right-of-way of any public road to such an extent that it becomes a nuisance or hazard to persons traveling upon such roads, or that it creates an unsightly condition upon the public right-of-way. At such exit location there shall be established a cleaning station, water pump station or some other such means to rinse or clean the exiting vehicle of sediment and debris prior to its entrance onto the public right-of-way.

(c) *Interference with drainage.* No operator shall allow dirt, mud or other debris resulting from any operation to accumulate in ditches and drainage areas on public rights-of-way to such an extent that the usual flow of water or runoff is stopped, disturbed, changed or interrupted.

(d) *Cleanup and reimbursement.* Any materials or mud spilled, dropped, washed or tracked from vehicles or equipment leaving the site onto roadways or into public rights-of-way, drainage ditches or storm drains must be removed within 24 hours or the county may perform any necessary corrective work and the operator shall reimburse the county for any expenses incurred from the required bond or letter of credit. Any such contamination and spillage, even if cleaned up within 24 hours, constitutes a violation of this article.

(e) *Serviceability.* County roads shall be kept serviceable and open at all times for school buses, emergency vehicles, mail carriers, and traffic of the general public.

(f) *Interference.* The operations will not unreasonably interfere with vehicular and pedestrian traffic and the means of ingress and egress from the affected and adjacent properties.

(g) *Fines.* In addition to any cleanup costs that shall be reimbursed to the county, any timber operator failing to comply with the requirements of subsection (a) of this section, or failing to clean up or remove any debris, dirt, mud or other material from any public road, right-of-way or drainage ditch, within 24 hours of the spill or contamination, shall be fined $500.00 upon the first citation, and $1,000.00 upon each subsequent citation.

(h) *Nuisance prohibited.* No operator shall create any other type of public nuisance.

(i) *Parking.* No operator or person shall park or leave unattended a truck or other motor vehicle or trailer upon the right-of-way of any county road.

(j) *Soil erosion and sedimentation controls required.* No timber operator will commence operation or continue to operate without first installing and maintaining soil erosion and sedimentation controls, in accordance with the best management practices of the Manual for Erosion and Sedimentation Control in Georgia, sufficient to prevent dirt, mud or other debris from accumulating in bodies of water within the county, the county drainage ditches and on the county roads upon which the timber operator is entering and exiting.

(k) *Signs.* No timber operator shall commence timber operations until he has first posted or caused to be posted along the public road onto which the timber operator will enter from his timber operations at least the following signs: one sign in each direction located 500 feet from the entrance which states "Slow: Trucks Entering Highway"; and one sign in each direction located 1,000 feet from the entrance stating "Warning: Logging Operation Ahead." Each such sign shall be 36 inches by 36 inches, orange in color with black lettering, and posted at least three feet from the road surface of such road.
(Amend. of 5-1-2018)

Sec. 54-181. Exemptions.

Small and limited operations of less than three acres in size, and/or less than 100 hours in duration, may be exempt from all or part of the bonding and/or temporary exit requirements of this article, at the discretion of the Murray County Public Works Director or designee. Sites using existing driveways may also be exempt from all or part of the temporary exit requirements at the discretion of the Murray County Public Works Director or designee.
(Amend. of 5-1-2018; Amend. of 7-3-2018)

Sec. 54-182. Protection of county road system.

(a) Murray County shall have the authority to adopt and enforce rules, regulations and to perform all acts which are necessary, proper and incidental to the efficient operation and development of the county road system. This section shall be construed to convey on Murray County the power and duty to restrict the access of timber or other commercial vehicles to county roads at such times when access by those vehicles may cause damage to the county road system. Murray County requires that all timber trucks operating in Murray County take the most direct route from the harvesting site to the state routes on approved routes with sufficient weight clearance.

(b) Any power vested in or duty placed on Murray County but not implemented by specific provisions for the exercise thereof may be executed and carried out by Murray County in a reasonable manner subject to such limitations as may be provided by law.
(Amend. of 5-1-2018)

Sec. 54-183. Inspection of site.

Upon completion of operations under this article, the operator shall give written or oral notification to the public works director or his agent. The inspection of the ingress/egress location by the public works director or their agent is required to ensure that the right-of-way is re-established to its original condition prior to truck traffic. Any damages to the right-of-way or county roads utilized as the haul route shall be repaired at the expense of the operator.
(Amend. of 5-1-2018)

Sec. 54-184. Liability.

Any provisions of this article notwithstanding, an applicant or operator shall be liable to the county for the full amount of any damages caused by such operations, the amount of bond notwithstanding.
(Amend. of 5-1-2018)

Sec. 54-185. Arbitration.

If the parties cannot agree on the amount of damages, then the applicant shall have the right to request arbitration in writing. The county shall choose one arbitrator and the operator shall choose the second, both of whom shall be residents of the county. Together, the two designees shall choose a third arbitrator who shall be a registered forester residing in the county or a county contiguous thereto. Within 30 days of their designation, such arbitration panel shall review the damages and render a decision which shall be subject to appeal to the county superior court.
(Amend. of 5-1-2018)

Sec. 54-186. Penalty for violations.

Any person violating any of the provisions of this article shall be liable to fine and/or injunctive relief or any other legal procedure authorized by law. Any fine imposed shall be as provided in section 1-19 of this Code.
(Amend. of 5-1-2018)

Secs. 54-187—54-249. Reserved.

ARTICLE V. TRUCK ROUTES

Sec. 54-250. General provisions.

(a) *Purpose and intent.* The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of heavy truck traffic to the Murray County Road System.

(b) *Applicability.* This article shall cover any person who uses the county road system for the purpose of delivery or transport of goods, articles or wares, all heavily laden trucks or delivery vehicles.
(Amend. of 4-4-2017)

Sec. 54-251. 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:]

Commissioner shall mean the sole commissioner of Murray County.

County shall mean the County of Murray, a political subdivision of the State of Georgia.

County road system shall mean all roads, streets and roadways owned by the county and operated and maintained for the travel and convenience of the public. This definition shall include all bridges, culverts, ditches, drainage structures, rights-of-way, sidewalks, and appurtenances and improvements to the county roads.

Large truck means a commercial motor vehicle designed, used, or maintained primarily for the transportation of property and having a gross vehicular weight in excess of 36,000 pounds, including the load thereon, or having an overall length in excess of 30 feet, or having in excess of three axles, except recreational vehicles, buses used in transportation of chartered parties, and government owned vehicles.

Person means and shall extend and be applied to natural persons, as well as to firms, partnerships, associations, organizations, corporations and bodies politic, or any combination thereof, including but not limited to any owners, operators, lessees, or drivers of a large truck that is operated in violation of this article.

Public works director shall mean the public works director of the county as named and employed by the commissioner, or such person as may be designated by the commissioner to enforce the provisions of this article.

Residence district means the territory contiguous to and including a road when the property on such road for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business; includes "residential district."

Residential streets means those streets in a residence district.

Residential subdivision means an area with streets designed primarily for residential and accessory traffic that are primarily interior subdivision streets, specifically including but not limited to all residential areas platted and regulated by the Murray County Subdivision Regulations.

Road means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; includes the terms "street" and "highway."

Unimproved road system means those roads in the county road system which are not paved.
(Amend. of 4-4-2017)

Sec. 54-252. Route of travel, through trucks.

For the purpose of delivery or transport of goods, articles or wares, all heavily laden trucks or delivery vehicles shall proceed over state or federal routes or designated truck routes for delivery or transport of such goods, articles or wares, except as provided herein.

(1) All commercial truck or delivery vehicles having more than six wheels, including the load thereon, or having an overall length in excess of 30 feet, except vehicles

designated to carry passengers, are prohibited from using or parking on any street or road within the unincorporated county, which is so posted, or on any residential street in the county road system, except those authorized and designated as truck routes by ordinance, except when the terminal, parking lot, repair garage or headquarters, or place of pickup or delivery of the restricted motor vehicle is not on a designated truck route, ingress to and egress from such places shall be made by the most direct route available between the terminal, parking lot, repair garage, headquarters, or place of pickup or delivery and nearest designated truck route as determined by taking into account the ultimate destination of the truck. In traveling to and from the designated truck route, no truck shall use a road which has been designated and posted as "No Through Trucks" unless said truck has a pickup or a delivery on said road.

(2) It shall be unlawful and a violation of this chapter for the operator of any vehicle which has more than six wheels to operate such vehicle on any road or street in the county road system unless such vehicle is making a pickup or delivery on such road or street.

(3) Overnight stay. No large truck or tractor-trailer shall enter, travel or park on a street in a residential subdivision or park on a right-of-way in Murray County for the purpose of an overnight stay by the driver or operator.

(4) Prohibition on travel in residential subdivisions. No large truck shall enter, travel or park on a street in a residential subdivision in Murray County, except for the purpose of delivering goods to houses or points within such residential subdivision for short periods of time during daylight hours. Operators or owner/operators residing in subdivisions prior to the enactment of this section are exempt from this subsection of the section until such time that they voluntarily cease operations.

(Amend. of 4-4-2017)

Sec. 54-253. Travel on unimproved roads prohibited under certain conditions.

Delivery or transport vehicles shall not proceed over any part of the county's unimproved road system during periods of rain or inclement weather when clearly said travel causes excessive damage and maintenance to the road system such that road conditions for the passage of smaller and lighter passenger vehicles has been substantially hampered.
(Amend. of 4-4-2017)

Sec. 54-254. Limited load streets, bridges and culverts.

It shall be unlawful to operate any vehicle on any on any street in the county where the weight of such vehicle, with or without loads, is in excess of the weight as limited by ordinance and where signs indicating such limitations are posted. Further, it shall be unlawful to drive any vehicle over a bridge or culvert in the county over the weight capacity shown on said bridge and/or culvert.
(Amend. of 4-4-2017)

Sec. 54-255. Exceptions.

(a) Hauling forest products from the forest where cut to the owner's place of business, plant, plantation or residence within Murray County or to an adjoining county.

(b) Hauling farm animals, materials, equipment and machinery, supplies, or farm products from a farm to a processing plant, business or farm in Murray County or an adjoining county.

(c) Vehicles and equipment of Murray County or the State of Georgia or under contract with either for the construction, repair and maintenance of roads and bridges in Murray County.

(d) Personal vehicles and/or attached trailers used for non-commercial or personal use. (Amend. of 4-4-2017)

Secs. 54-256—54-299. Reserved.

Chapters 55—57

RESERVED

Chapter 58

SOLID WASTE*

Article I. In General

Secs. 58-1—58-25. Reserved.

Article II. Collection and Disposal Services

Sec. 58-26. Definitions.
Sec. 58-27. Application of article.
Sec. 58-28. General restriction.
Sec. 58-29. Exemptions.
Sec. 58-30. Enforcement.
Sec. 58-31. Penalties.
Sec. 58-32. Conformity to rules and regulations; disposing of in open dumps; presumption of violation.
Sec. 58-33. Responsibility of owner or occupant.
Sec. 58-34. Yard trimmings.
Sec. 58-35. Residential services.
Sec. 58-36. General conditions of residential collection.
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Article III. Litter Control

Sec. 58-66. Littering prohibited.
Sec. 58-67. Waste disposal generally.
Sec. 58-68. Transporting litter.
Sec. 58-69. Regulation of garbage or litter containers or receptacles.
Sec. 58-70. Scavenging.
Sec. 58-71. Defacing containers.

***Cross references—**Buildings and building construction, ch. 18; environment, ch. 26; health and sanitation, ch. 34; manufactured homes, ch. 38; water, ch. 70.

State law references—Authorization to provide garbage and solid waste collection and disposal, Ga. Conts. art. IX, § II, ¶ III(A)(2); Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; local, multijurisdictional and regional solid waste plans, O.C.G.A. § 12-8-31.1.

ARTICLE I. IN GENERAL

Secs. 58-1—58-25. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL SERVICES

Sec. 58-26. Definitions.

All terms used in this article shall have the definitions ascribed to them in O.C.G.A. § 12-8-22, as the same may be from time to time amended, whether such definition is set out in this section or not. 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:

Commercial establishment means any hotel, motel, apartment dwelling, roominghouse, business, industrial, public or semipublic establishment of any nature or kind whatsoever other than a one or two family dwelling unit or condominium.

Construction/demolition waste means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations of pavement, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos, container waste, wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste, landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

Licensee means a person granted a license by the county who, under written agreements for compensation by those receiving services, does the work of collecting and transporting solid waste from industries, offices, retail outlets, businesses, institutions, and similar locations or from residential dwellings; provided, however, this definition shall not include an individual collecting and transporting waste from his own single-family dwelling unit.

Open dump means a disposal facility at which solid waste from one or more sources is consolidated and left to decompose, burn, or to otherwise create a threat to human health or the environment to otherwise create a threat to human health or the environment.

Owner means any person owning, leasing, renting, occupying, or managing any premises in the jurisdiction of the county.

Person means the state or any state agency or institution thereof and any municipality, county, political subdivision, public or private corporation, limited liability company, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in the state or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in this state or any other state. This term also includes employees, departments, and agencies of the federal government.

Plastic bag means a polyethylene or other heavy duty plastic bag meeting the National Sanitation Foundation Standard of at least 1.5 mils and not exceeding a 30-gallon capacity with securing twist ties.

Putrescible waste means wastes that are capable of being decomposed by microorganisms. Examples of putrescible waste include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Reclamation means a controlled method of sorting and storing material from solid wastes for future use.

Refuse means garbage, rubbish, or commercial solid waste.

Rubbish means discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass crockery, dunnage, or similar materials.

Sanitary landfill means a disposal site where putrescible solid wastes are disposed of by means of placing an earth cover thereon and which is approved by state and federal authorities for such purpose.

Waste stream means the total flow of solid waste from residential units, commercial establishments, condominiums, apartments, institutions, and the like to its ultimate disposal site or facility.

Cross reference—Definitions generally, § 1-4.

Sec. 58-27. Application of article.

The provisions of this article apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.

Sec. 58-28. General restriction.

No person shall engage in solid waste handling in a manner which will:

(1) Be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals;

(2) Impair the air quality or impair the quality of the ground or surface waters;

(3) Impair the quality of the environment; or

(4) Create other hazards to the public health, safety, or well-being.

Sec. 58-29. Exemptions.

(a) *Application generally.* The provisions of this article shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not adversely affect the public health. Nothing in this article shall limit the right of any person to use poultry or animal manure for fertilizer.

(b) *Application to owners of certain dwellings units types.* The provisions of this article shall not apply to owners of record of all one-family and two-family dwellings, condominiums, or multifamily dwelling units who dispose of solid waste by self-hauling such waste to a state-approved landfill or to a collection center operated by the county. Failure to provide evidence of proper disposal upon request by county officials (receipts, canceled checks, or other proof of payment) shall be a violation of this article.

(c) *Application to persons collecting wastes without charging fees and holders of solid waste handling permits.* The provisions of this article shall not apply to any person collecting and disposing of municipal solid waste, commercial solid waste, construction/demolition waste, or industrial waste, but not charging a fee, and who is a holder of a valid solid waste handling permit from the director of the state environmental protection division of the state department of natural resources pursuant to rules of the state department of natural resources environmental protection division 391-3-4-.02 and 391-3-4-.06 for disposal or on-site burial. Such disposal shall be governed by state environmental protection division regulations.

(d) *Application to county.* No provision of this article shall be deemed to require the county to secure a license or to otherwise engage in any acts not required by provisions of either state or federal law.

Sec. 58-30. Enforcement.

(a) Violations of any provisions of this article shall be reported initially to the code enforcement office, which office is charged with administration of the provisions of this article.

(b) The provisions of this article regarding applications for and termination of licenses shall be enforced by the county commissioner.

(c) The provisions of this article regarding the disposal or burial on site of solid waste shall be enforced by the state department of natural resources, environmental protection division.

State law reference—Powers of local code enforcement boards, O.C.G.A. § 36-74-25.

Sec. 58-31. Penalties.

(a) Any person or any employee or agent violating any provision of this article may be punished as provided in section 1-19 of this Code. Each full day a violation continues may constitute a separate violation.

(b) Any licensee who is found to have violated any of the provisions of this article by a court of law shall be subject to the same penalty and may also be restrained from operating as a licensee and a civil action may be filed by the county.

Sec. 58-32. Conformity to rules and regulations; disposing of in open dumps; presumption of violation.

(a) *Conformity to and compliance with rules, regulations, and orders required.* No person shall engage in solid waste handling except in such a manner as to conform to and comply with this article and all applicable state and federal legislation, rules, regulation, and orders.

(b) *Disposing of solid waste in open dumps prohibited.* No solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow, or permit open dumping on his property.

(c) *Presumption of violation.* A person shall be presumed to have violated this provision if, upon written notification that litter or solid waste has been dumped on that person's property, not otherwise subject to the provisions of O.C.G.A. §§ 16-7-51 through 16-7-54, that person fails to provide the county, within 15 days of notification, with written assurance that the accumulation of litter or solid waste will be properly disposed of within 30 days from the original date of notification. No person who first informs the county in writing that illegal dumping has occurred on a particular parcel of that person's property shall be deemed to have violated this provision if such person provides written assurance all accumulated litter or solid waste will be properly disposed of within 45 days of the date of such written notification and subsequently provides proof of such disposal.

State law references—Authority for local solid waste management authorities, O.C.G.A. § 12-8-50 et seq.; duty of county to develop comprehensive solid waste manage plan, O.C.G.A. § 12-8-31.1.

Sec. 58-33. Responsibility of owner or occupant.

(a) The owner or occupant of any premises, office, business establishment, institution, industry, or similar facility shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution, or similar facility to a solid waste handling facility operating in compliance with the state environmental protection division rules and regulations unless arrangements have been made for such services with a collector operating in compliance with this article.

(b) No owner or occupant shall allow the accumulation on his residential unit or commercial establishment of solid waste where such solid waste creates or may create a health hazard to neighbors or other citizens, is unsightly, or emits foul or obnoxious odors which constitute either a public or private nuisance. Such conduct shall constitute a violation of this article.

Sec. 58-34. Yard trimmings.

Yard trimmings shall not be placed in or mixed with solid waste. Yard trimmings shall not be disposed of at any solid waste disposal facility within the county having liners and leachate collection systems or requiring vertical expansion. Yard trimmings shall be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or

recycled to the maximum extent feasible. Any yard trimmings to be collected by an entity other than the property owner shall be sorted and stored in such a manner as to facilitate collection, composting, or other handling.

Sec. 58-35. Residential services.

All licensees granted a license for solid waste collection and removal under this article shall provide a minimum of the following services:

(1) The licensee shall provide, at a minimum, weekly curb service collection of residential waste packaged as approved pursuant to this article, except as otherwise set out in this article. Each licensee shall set uniform fees for collection, and charges for residential collection and removal services shall be charged to the owners of the real property served, except that by requesting services any tenant may become jointly bound to pay same. Rates for a licensee's services shall be uniform within the county.

(2) The licensee shall bill customers for service based on the volume of residential waste generated. The county assumes no responsibility to the licensee for the failure of any customer to make payments. The licensee will quarterly provide the county with a list of residential customers whose service has been discontinued for nonpayment. The licensee shall cooperate fully in any legal action taken by the county for failure of any owner or resident to comply with the provisions of this article.

(3) For all residential customers desiring to voluntarily participate in recycling, the licensee shall collect at least once per week, pursuant to a county-provided list of guidelines, glass bottles and jars, newspaper, plastic (PET and HDPE), aluminum cans and bimetal/steel cans.

a. The county reserves the right to change the type and number of recovered items and to redetermine collection and disposal of yard trimmings as viable alternatives are developed.

b. The licensee shall provide recycling containers to customers.

c. The licensee shall not dispose of recovered materials in landfills.

d. No additional fee, over the amount charged for curbside collection of residential waste, shall be charged by the licensee for regular collections of recovered materials every week.

e. All licensees must agree to participate fully in recycling.

(4) Upon recovered materials being placed in designated recycling containers for regular curbside collection, it shall become the property of the county. During the 24-hour period commencing at 6:00 p.m. on any day preceding any day designated by the

licensee for collection of recovered materials, no person other than an employee or agent of the licensee shall remove recovered material from the designated recycling container which has been properly placed for collection.

a. Each collection in violation of this section during that period shall constitute a violation of this article and shall be punishable as provided in this article.

b. Nothing in this section shall be construed to limit the right of any individual, organization, or other entity to donate, sell, or otherwise dispose of recovered material, if such disposal does not violate any applicable statute, regulation, or ordinance.

(5) The county, at all times, reserves the right to direct and control the time, place, and manner of solid waste handling and disposal. Nothing in this article is intended to abridge the county's right to ownership and control of the waste stream.

Sec. 58-36. General conditions of residential collection.

(a) *Placement of containers.* Occupants of one-family and two-family dwelling units, condominiums, or multifamily dwelling units not served by commercial container shall place refuse receptacles, rubbish, and bundles on assigned collection days at roadside locations in such a manner as not to obstruct passage. Occupants shall place such refuse at appropriate locations prior to the arrival of the collection vehicles. This placement shall not be made before dusk on the day prior to collection day. Refuse placed after departure of the pickup crew of the licensee shall subject the licensee's customer to prosecution for violation of this article.

(b) *Removal of containers after collection.* Occupants shall remove containers from such locations to storage locations, which shall be nearer to the residential unit located on the premises than to any street abutting the premises. Removal should be accomplished within a reasonable time following collection on the day the contents are emptied and collected.

(c) *Accumulation of refuse.* Occupants shall prevent the continued, excessive, and unsightly accumulation of refuse upon their property or the public thoroughfares bounding upon occupant's property.

(d) *Hazardous wastes prohibited.* It shall be a violation of this article to place or cause to be placed for collection any hazardous waste.

(e) *Collection of residential waste only.* Solid waste generated from the conduct of customary home occupations carried on from residential dwelling units will be collected on a residential fee basis.

(f) *Collection from receptacles only.* All trash and refuse will be collected by the licensee if placed in receptacles. No open containers or untied plastic bags shall be permitted.

(g) *Collection of recovered materials.* Recovered materials consisting of aluminum cans, bimetal/steel cans, glass bottles and jars, newspaper, plastic (PET and HDPE) bottles and containers will be collected by the licensee at least weekly if placed in designated containers properly placed for collection at the curbside.

(h) *Collection during weeks with holidays or harsh weather.* During any week in which there is a legal holiday or extremely harsh weather conditions, such as snow or ice, the licensee shall be required to collect residential solid waste once during such week.

(i) *Additional services.* Nothing in this article shall prevent customers from contracting with licensees for additional services at additional costs.

(j) *List of current licensees.* A list of all current licensees will be available for public inspection in the office of the clerk of the county commissioner.

(k) *Responsibility when property is vacant.* Property owners shall not be responsible for the cost of solid waste collection during any period when the property is vacant for 30 days or more and they have notified the licensee providing service to them in writing in advance of that period.

Sec. 58-37. Commercial services.

Applicants for commercial licenses are subject to the same requirements for a solid waste handling permit as are residential licensees under this article.

Sec. 58-38. General conditions of commercial collection.

(a) The owner or occupant of any premises, office, business establishment, institution, or industry or similar commercial establishment shall be responsible for the collection and transportation of all solid waste accumulated at such premises, establishment, or facility to either a solid waste handling facility operating in compliance with state regulation with service by an approved licensee or to a collection center operated by the county; however, the county may direct such owner or occupant to not use the collection center based on the volume generated. Holders of a valid solid waste handling permit from the state department of natural resources shall be exempt from such contracting but shall comply with the requirements of division 2 of this article.

(b) The county reserves the right at all times to direct and control the time, place, and manner of commercial solid waste handling and disposal. Nothing in this article is intended to abridge the county's right to ownership and control of the waste stream.

Sec. 58-39. Regulation of sanitary landfills.

The following regulations shall apply to the use of sanitary landfills in the county:

(1) All garbage and litter shall be deposited in an area designated by the attendant on duty.

(2) No person shall set fire to refuse or litter at the landfill.

(3) No smoldering or burning material shall be delivered or deposited at the landfill.

(4) No person shall move, remove, or cross any fence, gate, barrier, or signs at the landfill.

(5) Compactible and noncompactible materials such as appliances, tree limbs, and lumber shall not be mixed together.

(6) Trees, stumps, quantities of old building materials, rocks, and large quantities of other noncompactible material shall be deposited apart from the trenched area at locations designated by the attendant.

(7) No salvage or scavenging operation shall be allowed at the landfill except when expressly authorized by the county commissioner or the attendant in charge.

(8) No one shall deposit any litter outside of the gate of a landfill.

(9) No landfill shall be operated in the county other than a landfill designated by the county commissioner as the county landfill.

Secs. 58-40—58-65. Reserved.

ARTICLE III. LITTER CONTROL*

Sec. 58-66. Littering prohibited.

It shall be unlawful for any person to throw, drop, cast, or deposit upon any highway, alley, or any yard or premises, public or private, any filth of any kind or cans, paper, trash, paper containers, rubbish, bottles, or any other form of litter or waste whatsoever.

State law references—Similar provision and authority for enforcement, O.C.G.A. § 16-7-43; authority for enforcement, O.C.G.A. § 16-7-45; authority to regulate litter and authority for enforcement, O.C.G.A. § 16-7-48.

Sec. 58-67. Waste disposal generally.

(a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposition of garbage and refuse on the premises used or occupied by such person.

(b) It shall be unlawful to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter at any place in this county including, without limitation, any public or private property in this county or any waters in this county unless such litter originates in this county; and:

(1) The property is designated by the county commissioner or its duly designated agent for disposal of litter and the person is authorized to use such property;

(2) The litter is placed into a receptacle or container installed on such property; or

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***State law references—**Litter Control Law, O.C.G.A. § 16-7-40 et seq.; littering highways, O.C.G.A. § 40-6-249.

(3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare and not otherwise in violation of law.

Sec. 58-68. Transporting litter.

(a) It shall be unlawful to drive or operate a vehicle in the county hauling wet or moist waste that leaks, flows freely, or spills from such vehicle.

(b) Any litter or waste hauled on a moving vehicle shall be covered or secured in such a manner that litter will not blow or escape from such vehicle while moving or parked on public streets or roadways in the county.

Cross reference—Traffic and motor vehicles, ch. 66.

State law references—Related provision; dumping litter from vehicle, O.C.G.A. § 16-7-43.

Sec. 58-69. Regulation of garbage or litter containers or receptacles.

The following regulations shall apply to garbage or litter containers or receptacles used in the county:

(1) All garbage or litter containers or receptacles shall be maintained in as sanitary a manner as is reasonably possible consistent with its use for garbage and litter disposal.

(2) Persons using garbage or litter containers or receptacles shall deposit all authorized garbage and refuse in the container or receptacle.

(3) No person shall deposit any burning or smoldering material in any such container or receptacle.

(4) No person shall set fire to the contents of any such container or receptacle.

(5) No dead animals shall be deposited in any such container or receptacle.

(6) No person shall deposit large noncompactible articles in such containers or receptacles such as stoves, refrigerators, bed springs or tires, large tree limbs, air conditioning units, or similar items.

(7) No one shall deposit any flammable or explosive materials in any such container or receptacle.

(8) No person shall disturb or scatter litter in and around such containers or receptacles.

State law reference—Duty and authority to provide receptacles and regulate use thereof, O.C.G.A. §§ 16-7-46, 16-7-47.

Sec. 58-70. Scavenging.

It shall be unlawful for any person, other than designated employees in performing their normal duties, to rummage through, separate, or remove any object placed in or upon such garbage container.

Sec. 58-71. Defacing containers.

It shall be unlawful for any person or persons to paint upon, deface, or in any way cause any damage whatsoever to any garbage container placed upon the premises for the collection of garbage.

Chapters 59—61

RESERVED

Chapter 62

TAXATION*

Article I. In General

Secs. 62-1—62-25. Reserved.

Article II. Hotel-Motel Tax

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Sec. 62-26. General administration.
Sec. 62-27. Definitions.
Sec. 62-28. False returns.
Sec. 62-29. Records required; examination.
Sec. 62-30. Reports.
Sec. 62-31. Exemptions.
Sec. 62-32. Imposition and rate.
Sec. 62-33. Collection by operator generally.
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Division 2. Registration and Permit

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Sec. 62-92. Recomputation.
Sec. 62-93. Interest on deficiency.
Sec. 62-94. Notice of deficiency determination—Service generally.
Sec. 62-95. Same—When mailed.
Sec. 62-96. No return; estimate of receipt.

***Cross references—**Any resolution or ordinance promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness saved from repeal, § 1-14(2); any resolution or ordinance providing for local improvements and assessing taxes for such improvements saved from repeal, § 1-14(9); administration, ch. 2.

State law references—Local government budgets and audits, O.C.G.A. § 36-81-1 et seq.; accounting for public funds, O.C.G.A. § 45-8-1 et seq.

Sec. 62-97. No return; interest.
Sec. 62-98. Action for tax.
Sec. 62-99. Duties of successors or assignees of operator.
Sec. 62-100. Failure to withhold.
Sec. 62-101. Overpayments.

ARTICLE I. IN GENERAL

Secs. 62-1—62-25. Reserved.

ARTICLE II. HOTEL-MOTEL TAX*

DIVISION 1. GENERALLY

Sec. 62-26. General administration.

The county clerk shall administer and enforce the provisions of this article for the collection of the tax imposed by this article.
(Ord. No. 23, Art. I, § 3, 3-7-1995)

Sec. 62-27. Definitions.

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

Due date means from the 20th day after the close of the monthly period for which the tax is to be computed.

Guest accommodation means an accommodation occupied or intended, arranged, or designed for occupancy by one or more occupants for the purposes of living quarters or residential use.

Hotel means any structure or any portion of a structure including any lodginghouse, roominghouse, dormitory, Turkish bath, bachelor hotel, studio hotel, motel, motor hotel, auto court, inn, lodge, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are furnished for value. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other buildings in which human beings are housed and detained under legal restraint.

Monthly period means the calendar months of any year.

Occupancy means the use or possession or the right by virtue of payment for the use or possession of any accommodation in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Occupant means any person who, for a consideration, uses, possesses, or has the right by virtue of payment to use or possess any accommodation in a hotel under any lease, concession, permit, right of access, license to use, or other agreement, or otherwise.

***State law reference—**Local excise taxes on rooms, lodgings and accommodations, O.C.G.A. § 48-13-50 et seq.

Operator means any person operating a hotel in the county, including, but not limited to, the owner or proprietor of such premises, lessee, sublessee, lender in possession, licensee, or any other person operating such hotel.

Permanent resident means any occupant as of a given date who has or shall have occupied or has or shall have the right of occupancy by virtue of payment for any guest room in a hotel for more than ten consecutive days next preceding such date.

Person means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint-stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the single number, excepting the United States of America, the state and any political subdivision of either thereof upon which the county is without power to impose a tax herein provided.

Rent means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

Return means any return filed or required to be filed as herein provided.

Tax means the tax imposed by this article.

(Ord. No. 23, Art. I, § 1, 3-7-1995)

Cross reference—Definitions generally, § 1-4.

State law reference—Definitions, O.C.G.A. § 48-13-50.2.

Sec. 62-28. False returns.

Any operator or any other person who renders a fraud or fraudulent return under this article shall be deemed guilty of an offense. Any charges as to this offense shall be tried before the county magistrate court and shall be tried in accordance with O.C.G.A. § 15-10-60 et seq.

(Ord. No. 23, Art. I, § 2, 3-7-1995)

Sec. 62-29. Records required; examination.

(a) Every operator renting guest rooms in the county to a person shall keep such records, receipts, invoices, and other pertinent papers in such form as the county clerk may require.

(b) The county clerk or any person authorized in writing by the county clerk may examine the books, papers, records, financial reports, equipment, and other facilities of any operator renting guest rooms to a person and any operator liable for the tax in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(Ord. No. 23, Art. I, §§ 4, 5, 3-7-1995)

State law reference—Similar provisions, O.C.G.A. § 48-13-53.4.

Sec. 62-30. Reports.

To administer the provisions of this article, the county clerk may require the filing of reports by any persons or class of persons having in such persons' or class of persons' possession or custody information relating to rentals of guest rooms which are subject to the tax. The reports shall be filed with the county clerk and shall set forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the county clerk may require.
(Ord. No. 23, Art. I, § 6, 3-7-1995)

Sec. 62-31. Exemptions.

No tax shall be imposed under this article:

(1) Upon a permanent resident;

(2) For the use of meeting rooms; or

(3) For a period of one or more days for use by United States, state or local government officials or employees when traveling on official business.

(Ord. No. 23, Art. I, § 7, 3-7-1995)

Sec. 62-32. Imposition and rate.

There shall be paid a tax of five percent of the rent for every occupancy of a guest accommodation in a hotel in the county.
(Ord. No. 23, Art. I, § 8, 3-7-1995; Amend. of 12-2-2008)

State law references—Limitation on rate of taxation, O.C.G.A. § 48-13-51; authority for county to establish rate of taxation and collection procedure, O.C.G.A. § 48-13-53.

Sec. 62-33. Collection by operator generally.

Every operator maintaining a place of business in this county engaged in renting guest accommodations and not exempted under section 62-31 shall collect a tax of three percent on the amount of rent from the occupant.
(Ord. No. 23, Art. I, § 9, 3-7-1995)

Sec. 62-34. Due date.

(a) All amounts of taxes shall be payable to the county clerk monthly on or before the 20th day of each month next succeeding each respective monthly period as defined in section 62-27.

(b) Any operator of a permitted hotel in the county who shall fail to collect and pay over to the county the excise tax on rooms, lodgings, or accommodations provided in this article shall have their business permit for such hotel or motel business expire automatically and without notice upon the occurrence of any of the following:

(1) A delinquency of 20 days in filing any required report under section 62-30; or

(2) A delinquency of 20 days in paying any required excise tax levied under sections 62-32 and 62-33.

(Ord. No. 23, Art. I, § 10, 3-7-1995)

Sec. 62-35. Collection fee allowed operators.

Operators collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and payment of the amount due if such amount is not delinquent at the time of payment. The rate of the deductions shall be the same authorized for deductions from state tax under the state sales and use tax as provided in O.C.G.A. § 48-8-50.

(Ord. No. 23, Art. I, § 11, 3-7-1995)

State law reference—Similar provision, O.C.G.A. § 48-13-52.

Secs. 62-36—62-60. Reserved.

DIVISION 2. REGISTRATION AND PERMIT

Sec. 62-61. Required.

Every person engaging or about to engage in business as an operator of a hotel in the county shall immediately register and obtain a business permit with the county clerk on a form provided by the county clerk. If any person sells out his business, his successor shall immediately register and obtain a business permit with the county clerk on a form provided by the county clerk. In no event shall such successor operate a hotel for longer than 30 days after the date of sale without obtaining such business permit.

(Ord. No. 23, Art. II, § 1, 3-7-1995)

Sec. 62-62. Separate places of business.

A separate registration and permit under this division shall be required for each place of business of an operator.

(Ord. No. 23, Art. II, § 2, 3-7-1995)

Sec. 62-63. When completed.

Persons engaged in the business of operating a hotel in the county must register and obtain a business permit under this division not later than 30 days after the date this article becomes effective and the tax is imposed as set forth in section 62-32, but such privilege of registration and permitting after the imposition of such tax shall not relieve any person from the obligation of payment or collection of the tax on and after the date of imposition thereof, regardless of registration and business permitting.

(Ord. No. 23, Art. II, § 3, 3-7-1995)

Sec. 62-64. Contents generally.

Registration and permitting under this division shall set forth the name under which a person transacts business or intends to transact business, the location of his place or places of business, and such other information which would allow the hotel to operate as a business in the county and would also facilitate the collection of the tax as the county clerk may require.
(Ord. No. 23, Art. II, § 4, 3-7-1995)

Sec. 62-65. Signature.

Registration and obtaining of a permit under this division shall be signed by the owner if a natural person; in case of ownership by an association or partnership, by a member, partner, or authorized agent; and in the case of ownership by a corporation, by an officer or authorized agent.
(Ord. No. 23, Art. II, § 5, 3-7-1995)

Sec. 62-66. Issuance.

The county clerk shall, after a registration under this division, issue with a charge as set forth in the schedule of fees and charges on file in the office of the county clerk, a certificate of authority to each operator to operate a hotel within this county and to collect the tax from the occupant.
(Ord. No. 23, Art. II, § 6, 3-7-1995)

Secs. 62-67—62-90. Reserved.

DIVISION 3. HOTEL-MOTEL TAX COLLECTION PROCEDURES*

Sec. 62-91. Return.

On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the county clerk showing the gross rent, rent from the permanent residence, taxable rent, amount of tax collected, or otherwise due for the related period and such other information as may be required by the county clerk.
(Ord. No. 23, Art. III, § 1, 3-7-1995)

Sec. 62-92. Recomputation.

If the county clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the county by any person, he may compute and determine the

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***State law reference—**Authority for county to establish rate of taxation and collection procedure, O.C.G.A. § 48-13-53.

amount required to be paid upon the basis of any information within his possession or that may come into his possession. One or more deficiency determinations may be made of the amount due for one or more monthly periods.
(Ord. No. 23, Art. III, § 2, 3-7-1995)

Sec. 62-93. Interest on deficiency.

The amount of the deficiency determination shall bear interest at the rate of 0.75 percent per month or fraction thereof from the due date of taxes.
(Ord. No. 23, Art. III, § 3, 3-7-1995)

Sec. 62-94. Notice of deficiency determination—Service generally.

The county clerk or his designated representatives shall give to the operator written notice of his determination of the amount of the tax. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at the address as it appears in the records of the county clerk. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee or when a return receipt is refused by the addressee.
(Ord. No. 23, Art. III, § 4, 3-7-1995)

Sec. 62-95. Same—When mailed.

Except in the case of failure to make a return, every notice of a deficiency determination under this article shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.
(Ord. No. 23, Art. III, § 5, 3-7-1995)

Sec. 62-96. No return; estimate of receipt.

If any person fails to make a return under this article, the county clerk shall make an estimate of the amount of the gross receipts of the person or, as the case may be, of the amount of the total rentals in this county which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come into the possession of the county clerk. Written notice shall be given in the manner specified in section 62-94.
(Ord. No. 23, Art. III, § 6, 3-7-1995)

Sec. 62-97. No return; interest.

The amount of the tax determination shall bear interest at the rate of 0.75 percent per month, or fraction thereof, from the 20th day of the month following the monthly period for which the amount or any portion thereof should have been returned until the date of payment.
(Ord. No. 23, Art. III, § 7, 3-7-1995)

Sec. 62-98. Action for tax.

At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the county clerk may bring an action in a court of competent jurisdiction in the name of the county to collect the amount delinquent together with interest, court costs, attorney's fees, and other legal fees incident thereto.
(Ord. No. 23, Art. III, § 8, 3-7-1995)

Sec. 62-99. Duties of successors or assignees of operator.

If any operator liable for any amount under this article sells out his business or quits the business, his successors or assigns shall withhold sufficient amounts of the purchase price to cover such amount until the former owner produces a receipt from the county clerk showing that he has paid or a certificate stating that no amount is due.
(Ord. No. 23, Art. III, § 9, 3-7-1995)

Sec. 62-100. Failure to withhold.

If a purchaser of a business fails to withhold funds from the purchase price as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.
(Ord. No. 23, Art. III, § 10, 3-7-1995)

Sec. 62-101. Overpayments.

Whenever the amount of any tax or interest has been paid more than once, or has been erroneously or illegally collected or received by the county under this article, it may be credited by the county clerk. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the county clerk, he will have three years from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The claim shall be audited by the county clerk. If the claim is approved by the county clerk, the excess amount paid to the county may be credited on any amount then due and payable from the person by whom it was paid or his administrators or executors.
(Ord. No. 23, Art. III, § 11, 3-7-1995)

Chapters 63—65

RESERVED

Chapter 66

TRAFFIC AND MOTOR VEHICLES*

Article I. In General

Sec. 66-1. Adoption of uniform rules of the road.
Sec. 66-2. Parental responsibility.
Sec. 66-3. Temporary traffic regulations.
Secs. 66-4—66-25. Reserved.

Article II. Operation of Vehicles

Division 1. Generally

Sec. 66-26. Traffic, speed, etc., zones; signs, and traffic control devices.
Sec. 66-27. Covering of loads.
Sec. 66-28. Parking in deceleration or acceleration lanes prohibited.
Secs. 66-29—66-55. Reserved.

Division 2. Speed Limitations

Sec. 66-56. General speed limit.
Sec. 66-57. Maximum speed limits on specific streets.
Sec. 66-58. Specific speed limits.
Sec. 66-59. Speed detection devices.

***Cross references—**Courts, ch. 22; noise control for defect in vehicle or load, § 26-36; offenses and miscellaneous provisions, ch. 42; transporting litter, § 58-68.

State law references—Authority of county to regulate traffic in unincorporated areas, O.C.G.A. § 36-1-20; power of local authorities generally, O.C.G.A. § 40-6-371.

ARTICLE I. IN GENERAL

Sec. 66-1. Adoption of uniform rules of the road.

Pursuant to O.C.G.A. § 40-6-370, O.C.G.A. §§ 40-6-1—40-6-395, known as the uniform rules of the road, are hereby adopted as and for the traffic regulations of the county with like effect as if recited in this chapter.

State law reference—Adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372.

Sec. 66-2. Parental responsibility.

It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of 16 years to permit, whether knowingly or through ineffective control or supervision, such minor to violate any provision of this Code or state law regarding the operation of vehicles.

Sec. 66-3. Temporary traffic regulations.

In cases where traffic upon the roads of the county may become congested upon occasions of parades, at theaters, and other public assemblages where large numbers of vehicles are assembled, the sheriff may make temporary rules directing and regulating the traffic in these congested districts, and any person who, after being warned of the temporary traffic regulations, shall violate them, shall be liable therefor as for other violations of this Code.

Secs. 66-4—66-25. Reserved.

ARTICLE II. OPERATION OF VEHICLES

DIVISION 1. GENERALLY

Sec. 66-26. Traffic, speed, etc., zones; signs, and traffic control devices.

(a) *Authority of sheriff.* Upon approval of the commissioner, the sheriff is authorized to designate and maintain by appropriate traffic control signs, markings, and devices:

(1) Crosswalks at intersections where there is particular danger to pedestrians crossing the roadway.

(2) Other safety zones for pedestrians.

(3) Traffic lanes.

(4) Speed, parking, truck, or other traffic control zones.

(5) Stop, yield, one-way, and other directional devices.

(6) Any other sign, marking, device, or zone necessary for orderly and safe conditions on the roads and streets of the county.

(b) *Conformity to state specifications; uniformity throughout county.* All traffic control signs, signals, devices, and markings shall conform to specifications in the *Manual on Uniform Traffic Control Devices* adopted by the state transportation board. All signs and signals required under this chapter for a particular purpose shall so far as practicable be uniform as to type and location throughout the county. All traffic control devices so erected and not inconsistent with the provisions of state law or this Code shall be official traffic control devices of the county.

(c) *Official traffic control map.* The county clerk shall keep and maintain an accurate official map setting out all traffic zones, markings, signs, and other traffic control devices. The map and any amendments or changes thereto shall be adopted by the governing authority, and the map shall be known as the official traffic control map of the county. An official copy thereof shall be kept in the office of the county clerk, shall be available to the public, and copies certified by the county clerk shall be admissible in court as proof of the location of any traffic zone, marking, sign, or other traffic control device.

(d) *Signs, devices, etc., required to be in place before violations can be charged.* No person shall be charged with violating a traffic zone, marking, sign, or other traffic control device unless appropriate signs, markings, or devices are in fact operating or in existence on the streets involved.

(e) *Violation of zones, marking, sign, etc., deemed violation of Code.* Any violation of any traffic zone, marking, sign, or other traffic control device established hereunder shall be a violation of this Code.

Sec. 66-27. Covering of loads.

No person shall operate or load any vehicle on the public streets and roads of this county unless the vehicle is constructed, loaded, and securely covered so as to prevent any of its load from dropping, escaping, or shifting in such a manner as to create a safety hazard or in such a manner so as to litter the streets and roads of the county.

Sec. 66-28. Parking in deceleration or acceleration lanes prohibited.

(a) It shall be unlawful for any person to park any automobile, truck, bus, truck tractor, trailer, tractor, trailer combination, motorcycle, moped, or other motor vehicle within or upon the deceleration or acceleration lanes lying in the unincorporated areas of the county.

(b) Deceleration and acceleration lanes shall be defined for the purpose of this section as those strips of pavement lying adjacent to and to the east of the northbound lanes of traffic and adjacent to and to the west of the southbound lanes of traffic which are not part of the regular roadway but afford access into and out of the driveways and side roads along the highway.

(c) Violation of the provisions of this section shall be a violation of a county ordinance and shall be prosecuted in the magistrate or probate court. A violation of this section shall be punished as provided in section 1-19.

Secs. 66-29—66-55. Reserved.

DIVISION 2. SPEED LIMITATIONS

Sec. 66-56. General speed limit.

It shall be unlawful for any person to operate a motor vehicle on any street or portion of a street in the county at a rate of speed greater than 30 miles per hour unless another speed limit is posted or otherwise designated for such street or portion of a street.

Sec. 66-57. Maximum speed limits on specific streets.

The governing authority may alter the maximum speed limits established by section 66-56 on any street or portion thereof within the county in accordance with the provisions of state law. Whenever signs are posted giving notice of the maximum legal speed limit so established for a particular street or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of such limit.

Sec. 66-58. Specific speed limits.

The following speed zones in the county are hereby established based on an engineering and traffic investigation as prescribed by law:

County Road 4—Dennis Mill Road			
BEGIN	Log Mile	0.00	Old Federal Road
END	Log Mile	2.60	SR 282
Speed limit shall be 35 mph			
County Road 18—Hyden Tyler Road			
BEGIN	Log Mile	0.00	Old Federal Road
END	Log Mile	2.90	Old Camp Road
Speed limit shall be 45 mph			
County Road 23—Norton Bridge Road			
BEGIN	Log Mile	0.00	Bryant Road
END	Log Mile	2.10	Highway 225
Speed limit shall be 40 mph			
Speed advisor sign at Log Mile 0.7 with speed limit of 25 mph			
County Road 23—Red Cut Road			
BEGIN	Log Mile	0.00	Highway 225
END	Log Mile	2.70	US 411
Speed limit shall be 45 mph			
County Road 27—Crandall Ellijay Road			
BEGIN	Log Mile	0.00	Old Camp Road
END	Log Mile	5.10	Summerour Church Road
From Log Mile 0.0 to 3.8 speed limit shall be 35 mph			
From Log Mile 3.8 to 5.1 speed limit shall be 30 mph			
County Road 33—Leonard Bridge Road			

BEGIN	Log Mile	0.00	Springplace Smyrna Road
END	Log Mile	3.10	US 411

From Log Mile 0.0 to 0.3 speed limit shall be 15 mph school zone
From Log Mile 0.3 to 1.1 speed limit shall be 40 mph
From Log Mile 1.1 to 1.5 speed limit shall be 15 mph school zone
From Log Mile 1.5 to 3.1 speed limit shall be 40 mph

County Road 34—Duvall Road

BEGIN	Log Mile	0.00	Highway 52
END	Log Mile	2.00	Highway 411

Speed limit shall be 45 mph

County Road 34—Treadwell Road

BEGIN	Log Mile	0.00	Highway 52 Alt
END	Log Mile	1.60	Chatsworth city limits

Speed limit shall be 40 mph

County Road 44—Sitton Road

BEGIN	Log Mile	0.00	Springplace Smyrna Road
END	Log Mile	1.90	Highway 52 Alt

From Log Mile 0.0 to 1.3 speed limit shall be 40 mph
From Log Mile 1.3 to 1.5 speed limit shall be 15 mph school zone
From Log Mile 1.5 to 1.9 speed limit shall be 40 mph

County Road 48—Ramhurst-Smyrna Road

BEGIN	Log Mile	0.00	US 411
END	Log Mile	3.60	Smyrna Church Road

Speed limit shall be 45 mph

County Road 48—Springplace Smyrna Road

BEGIN	Log Mile	0.00	Smyrna Church Road
END	Log Mile	2.80	SR 225

Speed limit shall be 45 mph
Speed advisor sign located at Log Mile 2.4 with speed limit of 20 mph

County Roads 75, 65, and 52—Smyrna Church Road

BEGIN	Log Mile	0.00	SR 225
END	Log Mile	5.90	US 411

Speed limit from Log Mile 0.0 to 3.0 shall be 50 mph
Speed limit from Log Mile 3.0 to 3.8 shall be 40 mph
Speed advisor sign located at Log Mile 0.7 with speed limit of 40 mph
Speed advisor sign located at Log Mile 2.5 with speed limit of 40 mph

County Road 78—Cagle Road

BEGIN	Log Mile	0.00	Pulliam Road
END	Log Mile	4.20	Maple Grove Church

Speed limit shall be 35 mph
From Log Mile 0.00 to Log Mile 0.25 the speed limit shall be 25 mph
Curve advisor signs required with speed limits of 25 mph

County Road 88—Henry Gallman Road

BEGIN	Log Mile	0.00	Gordon County line
END	Log Mile	3.00	SR 225

Speed limit shall be 40 mph

Curve advisor signs located at Log Mile 1.0 and Log Mile 1.9 with speed limits of 30 mph

County Roads 90 and 91—Springplace-Resaca Road

BEGIN	Log Mile	0.00	SR 225
END	Log Mile	2.40	Gordon County Line

Speed limit shall be 45 mph

S-curve advisor signs located at Log Mile 1.0 with speed limit of 30 mph

Curve advisor signs located at Log Mile 1.8 with speed limit of 30 mph

County Road 97—New Hope Church Road

BEGIN	Log Mile	0.00	SR 225
END	Log Mile	1.30	Brown's Bridge Road

Speed limit shall be 45 mph

County Road 99—Bishop Pond Road

BEGIN	Log Mile	0.00	Springplace Smyrna Road
END	Log Mile	1.50	Smyrna Church Road

Speed limit shall be 35 mph

County Roads 103 and 208—Fox Bridge Road

BEGIN	Log Mile	0.00	Brown's Bridge Road
END	Log Mile	0.20	Whitfield County Line

Speed limit shall be 50 mph

County Road 105—Corvette Drive

BEGIN	Log Mile	0.00	Imperial Drive
END	Log Mile	1.112	Lasabre Drive

Speed limit shall be 30 mph

County Roads 106 and 109—Tibbs Bridge Road

BEGIN	Log Mile	0.00	Whitfield County Line
END	Log Mile	3.00	SR 225

Speed limit shall be 40 mph

Speed advisor sign at Log Mile 1.0 with speed limit of 20 mph

Speed advisor sign at Log Mile 3.0 with speed limit of 30 mph

County Road 109—New Hope Road

BEGIN	Log Mile	0.00	New Hope Church Road
END	Log Mile	1.50	Tibbs Bridge Road

Speed limit shall be 45 mph

County Roads 110, 233, 97, and 109—Brown's Bridge Road

BEGIN	Log Mile	0.00	West Holly Creek Road
END	Log Mile	4.20	SR 225

From Log Mile 0.0 to 0.5 speed limit shall be 40 mph

From Log Mile 0.5 to 2.4 speed limit shall be 50 mph

From Log Mile 2.4 to 2.6 speed limit shall be 40 mph

From Log Mile 2.6 to 4.2 speed limit shall be 50 mph

County Road 113—Greeson Bend Road

BEGIN	Log Mile	0.00	Tibbs Bridge Road
END	Log Mile	3.40	SR 52

Speed limit shall be 40 mph

Speed advisor sign at Log Mile 1.0 with speed limit of 20 mph.

Speed advisor sign at Log Mile 3.0 with speed limit of 30 mph

County Roads 131 and 132—Mt Carmel Road

BEGIN	Log Mile	0.00	US 411
END	Log Mile	3.10	Highway 225

Speed limit shall be 45 mph

County Road 132—Mitchell Bridge Road

BEGIN	Log Mile	0.00	Highway 225
END	Log Mile	2.20	End

Speed limit shall be 45 mph

County Roads 141 and 146—Fuller Chapel Road

BEGIN	Log Mile	0.00	Highway 225
END	Log Mile	2.60	Highway 286

From Log Mile 0.0 to 0.6 speed limit shall be 35 mph

From Log Mile 0.6 to 0.9 speed limit shall be 30 mph

From Log Mile 0.9 to 2.6 speed limit shall be 35 mph

Speed advisor sign at Log Mile 2.1 with speed limit of 15 mph

County Road 142—Bryant Road

BEGIN	Log Mile	0.00	Fuller Chapel Road
END	Log Mile	1.40	Norton Bridge Road

Speed limit shall be 40 mph

County Roads 146 and 149—River Road

BEGIN	Log Mile	0.00	Highway 225
END	Log Mile	3.80	Fuller Chapel Road

Speed limit shall be 35 mph

County Road 156—Carson Avenue

BEGIN	Log Mile	0.00	Beaverdale Road
END	Log Mile	1.10	SR 2

Speed limit shall be 40 mph

County Road 158—Jim Petty Road

BEGIN	Log Mile	0.00	Temple Grove Road
END	Log Mile	3.10	Highway 225

Speed limit shall be 40 mph

Advisor signs at curves with speed limit of 20 mph

County Road 168—Temple Grove Road

BEGIN	Log Mile	0.00	Richard Bennett Road
END	Log Mile	2.20	Highway 225

From Log Mile 0.0 to 1.0 speed limit shall be 30 mph

From Log Mile 1.0 to 2.2 speed limit shall be 40 mph

County Road 171—Richard Bennett Road

BEGIN	Log Mile	0.00	Highway 225
END	Log Mile	2.90	US 411

From Log Mile 0.0 to 2.5 speed limit shall be 30 mph

From Log Mile 2.5 to 2.9 speed limit shall be 25 mph

County Road 175—Carlton Petty Road and Weber Road

BEGIN	Log Mile	0.00	Highway 225
END	Log Mile	2.30	Sugar Creek Road

Speed limit shall be 50 mph

County Road 209—Cleveland Street			
BEGIN	Log Mile	0.00	SR 52
END	Log Mile	0.21	Pine Street West
Speed limit shall be 25 mph			
County Road 209—Pine Street West			
BEGIN	Log Mile	0.00	SR 225
END	Log Mile	0.19	Vann Street
Speed limit shall be 25 mph			
County Road 240—Vann Street			
BEGIN	Log Mile	0.00	SR 52
END	Log Mile	021	Pine Street West
Speed limit shall be 25 mph			
County Road 298—Hall Chapel Road			
BEGIN	Log Mile	0.00	Highway 225
END	Log Mile	4.10	US 411
Speed limit shall be 50 mph			
County Road 299—Old Camp Road			
BEGIN	Log Mile	0.00	US 411
END	Log Mile	6.10	Dill Creek Road
From Log Mile 0.0 to 0.2 speed limit shall be 35 mph			
From Log Mile 0.2 to 0.4 speed limit shall be 45 mph			
From Log Mile 0.4 to 3.6 speed limit shall be 50 mph			
From Log Mile 3.6 to 5.2 speed limit shall be 35 mph			
From Log Mile 5.2 to 6.1 speed limit shall be 50 mph			
Curve advisor sign at Log Mile 1.6 with speed limit of 40 mph			
County Road 300—Maple Grove Church Road			
BEGIN	Log Mile	0.00	Gordon County Line
END	Log Mile	4.10	SR 225
Speed limit shall be 45 mph			
County Road 301—Cool Springs Road and Holly Creek Road			
BEGIN	Log Mile	0.00	Old Camp Road
END	Log Mile	5.70	Highway 52
From Log Mile 0.0 to 1.2 speed limit shall be 45 mph			
From Log Mile 1.2 to 1.6 speed limit shall be 35 mph			
From Log Mile 1.6 to 5.4 speed limit shall be 40 mph			
From Log Mile 5.4 to 5.7 speed limit shall be 45 mph			
County Road 301—Cool Springs Road and Holly Creek Road			
BEGIN	Log Mile	5.4	Cool Springs Road and Holly Creek Road
END	Log Mile	5.7	Highway 52
Speed limit shall be 35 mph			
County Road 301—Old Federal Road			
BEGIN	Log Mile	0.00	SR 52
END	Log Mile	6.10	US 411
Speed limit shall be 45 mph with speed advisor signs at curves stating 25 mph for curves			
County Road 302—Tennga Gregory Road			
BEGIN	Log Mile	0.00	US 411

END	Log Mile	3.20	Highway 225
From Log Mile 0.0 to 0.2 speed limit shall be 25 mph			
From Log Mile 0.2 to 1.2 speed limit shall be 35 mph			
From Log Mile 1.2 to 3.2 speed limit shall be 50 mph			
County Road 309—Old 411			
BEGIN	Log Mile	0.00	SR 136
END	Log Mile	6.00	SR 282
Speed limit shall be 50 mph. One lane bridge signs required			
County Road 310—Old 411			
BEGIN	Log Mile	0.00	Old Federal Road
END	Log Mile	2.70	US 411
Speed limit shall be 45 mph			
Narrow bridge signs required and fire department signs also required			
County Road 364—Sugar Creek Road			
BEGIN	Log Mile	0.00	Tennessee Line
END	Log Mile	4.10	Whitfield County Line
From Log Mile 0.0 to 2.3 speed limit shall be 50 mph			
From Log Mile 2.3 to 4.1 speed limit shall be 35 mph			
County Road 575—Elm Street			
BEGIN	Log Mile	0.00	Springplace Smyrna Road
END	Log Mile	0.40	Ellijay Street
Speed limit shall be 25 mph			
County Road 577—Ellijay Street			
BEGIN	Log Mile	0.00	SR 225
END	Log Mile	0.40	SR 52 Alt
Speed limit shall be 25 mph			

(Ord. No. 49, 12-20-2001; Ord. No. 49, Amend. No. 1, 1-6-2004; Ord. No. 49, Amend. No. 2, 5-4-2004; Ord. No. 49, Amend. No. 3, 7-6-2004; Ord. No. 49, Amend. No. 4, 12-7-2004)

Sec. 66-59. Speed detection devices.

(a) The county is hereby authorized to use speed detection devices for the purpose of traffic control on the roads and streets in the county.

(b) Such speed detection devices shall be used only for the purpose of public safety and traffic control and shall not be used for the purpose of raising revenue.

Chapters 67—69

RESERVED

Chapter 70

WATER*

Article I. In General

Sec. 70-1. Water removal from fire hydrants.
Sec. 70-2. Damaging fire hydrants.
Sec. 70-3. [Outdoor watering of landscape.]
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***Cross references—**Administration, ch. 2; buildings and building construction, ch. 18; environment, ch. 26; floods, ch. 30; health and sanitation, ch. 34; manufactured homes, ch. 38; parks and recreation, ch. 46; planning and development, ch. 50; roads, ch. 54; solid waste, ch. 58.

State law references—Water Resources Center, O.C.G.A. § 12-5-1 et seq.; adoption of ordinances, rules and regulations relating to payment for street improvements and construction of water, gas and sewer connections, payment of costs of connections, O.C.G.A. § 36-39-7; authority to provide stormwater, sewage collection and disposal systems, Ga. Const. art. IX, § II, ¶ III(a)(6).

Article III. Wellhead Protection

Sec. 70-116. Definitions.
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Sec. 70-118. Permitted uses.
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Sec. 70-120. Administration.

ARTICLE I. IN GENERAL

Sec. 70-1. Water removal from fire hydrants.

No water shall be taken from any fire hydrant located in the unincorporated areas of the county without authorization from the superintendent of the Chatsworth Waterworks Commission.
(Ord. No. 13, § 1, 1-7-1992)

Sec. 70-2. Damaging fire hydrants.

It shall be unlawful to maliciously damage, deface, break, or destroy any fire hydrant in the unincorporated areas of the county.
(Ord. No. 13, § 2, 1-7-1992)

Sec. 70-3. [Outdoor watering of landscape.]

(a) *Restriction on outdoor water of landscape.* Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the unincorporated areas of Murray County, may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

(1) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

(2) Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;

(3) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;

(4) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;

(5) Watering personal food gardens;

(6) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation

(7) Drip irrigation or irrigation using soaker hoses;

(8) Hand watering with a hose with automatic cutoff or handheld container;

(9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;

(10) Watering horticultural crops held for sale, resale, or installation;

(11) Watering athletic fields, golf courses, or public turf grass recreational areas;

(12) Installation, maintenance, or calibration of irrigation systems; or

(13) Hydroseeding.

(b) *Enforcement.*

(1) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in this section.

(2) The chief executive officer and his designee of each of the water utilities shall be the enforcement authority for this section as to all persons who are customers of his respective water utility.

(3) Each of the water utilities shall enforce this section through its respective water conservation plan, as the same may be modified in conformity with applicable law and regulations from time to time.

(4) Any person, aggrieved by a decision or order of the enforcement authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Magistrate Court of Murray County.

(Amend. of 1-4-2011)

Editor's note—An amendment adopted Jan. 4, 2011, did not specify manner of inclusion; hence, codification as § 70-3, was at the discretion of the editor.

Secs. 70-4—70-25. Reserved.

ARTICLE II. WATERSHED PROTECTION

DIVISION 1. GENERALLY

Sec. 70-26. 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:

Buffer means a natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.

Corridor means all land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in division 3 of this article.

Impervious surface means a manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Large water supply watershed means a watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Perennial stream means a stream that flows throughout the whole year as indicated on a USGS Quad map.

Reservoir boundary means the edge of a water supply reservoir defined by its normal pool level.

Small water supply watershed means a watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally owned public water supply intake.

Utility means public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, and railroads or other utilities identified by a local government.

Water supply reservoir means a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed means the area of land upstream of a governmentally owned public drinking water intake.
(Ord. No. 47, § II, 11-14-2001)

Cross reference—Definitions generally, § 1-4.

Sec. 70-27. Establishment of watershed district; map.

(a) The Carter's Lake, Coosawattee River, and Holly Creek Water Supply Watershed Districts are hereby designated and shall comprise the land that drains to the Woodring Branch intake structure on Carter's Lake, the Coosawattee River, and Holly Creek. The boundaries of these overlays are defined by the ridgelines of the respective watersheds and the boundary of a radius of seven miles upstream of the respective Carter's Lake, Coosawattee River, and Holly Creek intake structures/reservoirs. These overlays shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of Murray County, Georgia. The map is hereby incorporated into and made a part of this article by reference.

(b) The following water supply watershed districts and reservoirs are hereby defined, and the boundaries shall be identified on the Water Supply Watershed District Overlay Map:

(1) Carter's Lake, Coosawattee River is a large water supply watershed. An intake for Chatsworth, Georgia, is located on Carter's Lake. This water supply watershed contains a reservoir that is owned by the U.S. Army Corps of Engineers and is located within the jurisdiction of Gilmer County, Georgia, and Murray County, Georgia. The U.S. Army Corps of Engineers is responsible for the protection of this reservoir. The reservoir management plan is to be established.

(2) Coosawattee River is a large water supply watershed. An intake is proposed for Chatsworth, Georgia, east of Highway 411. This water supply watershed contains a reservoir that is owned by the U.S. Army Corps of Engineers and is located within the jurisdiction of Gilmer County, Georgia, and Murray County, Georgia. The U.S. Army Corps of Engineers is responsible for the protection of this reservoir. The reservoir management plan is to be established by the Corps.

(3) Holly Creek is a small water supply watershed. An intake for Chatsworth, Georgia, is located on Holly Creek. This water supply watershed does not contain a reservoir.

(Ord. No. 47, § III, 11-14-2001)

Sec. 70-28. Exemptions.

The following uses shall be exempted:

(1) Land uses existing prior to the adoption of this article.

(2) Mining activities permitted by the department of natural resources under the Surface Mining Act.

(3) Utilities from the stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:

a. The utilities shall be located as far from the stream bank as reasonably possible.

b. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.

c. The utilities shall not impair the quality of the drinking water stream.

(4) Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions:

a. The activity shall be consistent with best management practices established by the state forestry commission or the state department of agriculture.

b. The activity shall not impair the quality of the drinking water stream.

(Ord. No. 47, § V, 11-14-2001)

Sec. 70-29. Penalties.

(a) When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the director of license and permits and/or the director of planning.

(b) When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the director of planning.

(c) If the director of planning discovers a violation of this article that also constitutes a violation of any provision of the Clean Water Act, as amended, the director of planning shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.
(Ord. No. 47, § VI(F), 11-14-2001)

Sec. 70-30. Judicial review.

(a) *Jurisdiction.* All final decisions of the City of Chatsworth, or Murray County concerning denial, approval, or conditional approval of a permit shall be reviewable in the Conasauga Circuit Court. All final decisions of Gilmer County concerning denial, approval, or conditional approval of a permit shall be reviewable in the Appalachian Circuit Court.

(b) *Alternative actions.* Based on these proceedings and the decision of the Conasauga Circuit Court, the City of Chatsworth Council, Murray County Commissioner or designee or Appalachian Circuit Court or Gilmer County Commission may, within the time specified by the court, elect to:

(1) Institute negotiated purchase of condemnation proceedings to acquire an easement or fee interest in the applicant's land;

(2) Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

(3) Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City of Chatsworth Council, Murray County Commissioner, or Gilmer County Commission.
(Ord. No. 47, § VI(H), 11-14-2001)

Sec. 70-31. Amendments.

The regulations of this article and the water supply watershed protection district overlay map of the county, may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.
(Ord. No. 47, § VI(I), 11-14-2001)

Sec. 70-32. Relief assessment.

Assessors and boards of assessors shall consider requirements of this article in determining the fair market value of land.
(Ord. No. 47, § VI(J), 11-14-2001)

Secs. 70-33—70-55. Reserved.

DIVISION 2. DEVELOPMENT PERMIT

Sec. 70-56. Site plans required.

Application for a local development permit within the Carter's Lake, Coosawattee River, and Holly Creek Water Supply Watershed Districts shall include a site plan, drawn at a scale of one inch equals 50 feet, with the following information:

(1) A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross sectional drawings showing existing and proposed grades. Elevations, horizontal scale, and vertical scale must be shown on the cross sectional drawings.

(2) A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

(3) Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.

(4) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

(5) Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet and no greater than one foot for slopes less than or equal to two percent.

(6) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

(7) All proposed temporary disruptions or diversions of local hydrology.
(Ord. No. 47, § VI(A), 11-14-2001)

Sec. 70-57. Compliance with site plan.

All development activities or site work conducted after approval of the site plan shall conform with the specifications of such site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed can be amended only with the approval of the

building official or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.
(Ord. No. 47, § VI(B), 11-14-2001)

Sec. 70-58. Exemptions to site plan requirements.

The following activities and developments are exempt from the requirement for detailed site plans:

(1) Single-family detached homes constructed within a subdivision of fewer than five parcels.

(2) Repairs to a facility that is part of a previously approved and permitted development.

(3) Construction of minor structures, such as sheds or additions to single-family residences.

(Ord. No. 47, § VI(C), 11-14-2001)

Sec. 70-59. Review procedures.

Application shall be made to the building inspector and will be reviewed within 15 days. At the time of the application, the applicant shall pay a filing fee as specified by the City of Chatsworth or Murray County, Georgia, or Gilmer County Commission for those parcels located in Gilmer County, Georgia. Filing fees as set forth in the schedule of fees and charges on file in the office of the county clerk may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the building inspector. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the building inspector. The applicant will receive written notification of the findings of the building inspector. Decisions of the building inspector may be appealed to the Chatsworth City Council, Murray County Board of Appeals, or Gilmer County Commission for those parcels located in Gilmer County, Georgia.
(Ord. No. 47, § VI(D), 11-14-2001)

Sec. 70-60. Duration of permit validity.

(a) If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

(b) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.

(c) Written notice of pending expiration of the development permit shall be issued by the building inspector.
(Ord. No. 47, § VI(E), 11-14-2001)

Sec. 70-61. Suspension, revocation.

The appropriate county official may suspend or revoke a development permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The appropriate county official shall cause notice of denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located.
(Ord. No. 47, § VI(G), 11-14-2001)

Secs. 70-62—70-85. Reserved.

DIVISION 3. PROTECTION CRITERIA

Sec. 70-86. Carter's Lake.

The following regulations shall apply to the Carter's Lake Water Supply Watershed identified on the adopted map as a large water supply watershed with a reservoir known as USCE Carter's Lake:

(1) The corridors of all perennial streams within a seven-mile radius of the reservoir boundary must be protected by the following criteria:

   a. A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.

   b. No impervious surfaces shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.

   c. Septic tanks and septic tank drainfields are prohibited in the 150-foot setback area as described in subsection (1)b of this section.

(2) New facilities, located within seven miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, and amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

(3) A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the reservoir management plan to be published by the U.S. Army Corps of Engineers, Carter's Lake Management Area.

(4) Carter's Lake is owned by the U.S. Army Corps of Engineers and will be protected by them.

(Ord. No. 47, § IV(A), 11-14-2001)

Sec. 70-87. Coosawattee River.

The following regulations shall apply to the Coosawattee River Water Supply Watershed identified on the adopted map as a large water supply watershed that includes a reservoir known as USCE Carter's Lake:

(1) The corridors of all perennial streams within a seven-mile radius of the reservoir boundary must be protected by the following criteria:

a. A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.

b. No impervious surfaces shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.

c. Septic tanks and septic tank drainfields are prohibited in the 150-foot setback area as described in subsection b. of this section.

(2) New facilities, located within seven miles of a water supply intake or water supply reservoir, which handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, and amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

(3) A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the reservoir management plan to be published by the U.S. Army Corps of Engineers, Carter's Lake Management Area.

(4) The Carter's Lake is owned by the U.S. Army Corps of Engineers and will be protected by them.

(Ord. No. 47, § IV(B), 11-14-2001)

Sec. 70-88. Holly Creek.

The following regulations shall apply to the Holly Creek Water Supply Watershed identified on the adopted map as a small water supply watershed without a reservoir:

(1) The corridors of all perennial streams within a seven-mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:

a. A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.

b. No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.

c. Septic tanks and septic tank drainfields are prohibited in the 150-foot setback area as described in subsection (1)b of this section.

(2) The corridors of all perennial streams outside a seven-mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:

a. A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.

b. No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks.

c. Septic tanks and septic tank drainfields are prohibited in the 75-foot setback area as described in subsection (1)b of this section.

(3) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to 25 percent, or existing use, whichever is greater.

(4) New facilities which handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, and amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.

(Ord. No. 47, § IV(C), 11-14-2001)

Secs. 70-89—70-115. Reserved.

ARTICLE III. WELLHEAD PROTECTION

Sec. 70-116. 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:

Hazardous waste or material means any waste or material which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or an increase in the serious irreversible or incapacitation reversible illness;

(2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Sanitary landfill means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes are disposed of on land by placing earth cover thereon.

Wellhead means the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.
(Ord. No. 48, § 2, 11-14-2001)

Cross reference—Definitions generally, § 1-4.

Sec. 70-117. Establishment of wellhead protection zone.

There is hereby established a use district known as a wellhead protection zone, identified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 500 feet.
(Ord. No. 48, § 3, 11-14-2001)

Sec. 70-118. Permitted uses.

The following uses shall be permitted within wellhead protection zones:

(1) Any use permitted within existing agricultural or single-family residential districts, except that the minimum residential lot size for a lot any portion of which lies within the wellhead protection zone shall not be less than one acre; and

(2) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(Ord. No. 48, § 4, 11-14-2001)

Sec. 70-119. Prohibited uses.

The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under section 70-118:

(1) Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides.

(2) Septic tanks or drain fields appurtenant thereto.

(3) Impervious surfaces other than roofs of buildings and streets, driveways, and walks serving buildings permitted under section 70-118.

(4) Sanitary landfills.

(5) Hazardous waste disposal sites.

(6) Stormwater infiltration basins.

(7) Underground storage tanks.

(8) Sanitary sewer lines within 150 feet of a wellhead.

(Ord. No. 48, § 5, 11-14-2001)

Sec. 70-120. Administration.

The policies and procedures for administration of any wellhead protection zone established under this article, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance for the City of Chatsworth, as the same is presently enacted or may from time to time be amended.
(Ord. No. 48, § 6, 11-14-2001)

APPENDIX A

SUBDIVISION REGULATIONS*

Article I. General Provisions, Enforcement, and Administration

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1-2. Authority, purposes, and conformance.
1-3. Jurisdiction.
1-4. Use of plat.
1-5. Platting authority.
1-6. Fees.
1-7. Enforcement and penalties.
1-8. Interpretation, conflict, and severability.
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1-10. Conditions.
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Article II. Definitions

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Article III. Subdivision Plat Submittal and Approval Procedure

3-1. Required subdivision submittals.
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3-3. Presubmittal conference.
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***Editor's note—**Printed herein are the county's subdivision regulations, Ordinance No. 50, as adopted by the county commissioner on May 17, 2002. Amendments to the subdivision regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross references—Any resolution or ordinance dedicating or accepting any subdivision plat saved from repeal, § 1-14(11); buildings and building construction, ch. 18; environment, ch. 26; floods, ch. 30; manufactured homes, ch. 38; planning and development, ch. 50; roads, ch. 54; zoning, app. B.

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ARTICLE I. GENERAL PROVISIONS, ENFORCEMENT, AND ADMINISTRATION

1-1. Short title.

This ordinance shall hereafter be known, cited, and referred to as the Murray County Subdivision Regulations.

1-2. Authority, purposes, and conformance.

1-2-1 *Authority.* This ordinance is adopted pursuant to the authority delegated to Murray County pursuant to the Georgia Constitution of 1983, as amended, and The Georgia Planning Act of 1989, as amended.

1-2-2 *Purposes.* The standards contained herein are enacted for the following purposes:

(a) To encourage economically sound and stable land development;

(b) To assure the adequate provision of required roads, parking, utilities, and other facilities and services to land developments;

(c) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, within land developments;

(d) To assure the provision of public open space and building sites in land developments through the dedication or reservation of land for recreational, educational, and other public purposes;

(e) To promote the goals, objectives, and policies of the Joint Comprehensive Plan for Murray County and the Cities of Chatsworth and Eton.

1-2-3 *Conformance to applicable rules and regulations.* In addition to the requirements established in these standards, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules or regulations, including, but not limited to:

(a) All applicable provisions of Georgia law, regulations, or policy;

(b) The adopted general plan and major road plan for Murray County;

(c) The rules of the Murray County Public Health Department;

(d) The rules, as applicable, of the Federal Highway Administration or Georgia Department of Transportation, if the subdivision or any lot contained therein abuts a nonlocal highway; and

(e) The standards and regulations adopted by all other boards, commissions, and agencies.

All parties involved in the subdivision of land, as herein defined (including land developers, land surveyors, land developer official, engineers, auction companies, auctioneers, to name a few) are required to follow all the regulations set forth in this document, as well as, all documents and laws listed in this section. Plat approval may be withheld as well as other penalties set down in section 1-7 if a subdivision is not in conformity with the above rules or with the provisions set forth throughout this ordinance.

1-3. Jurisdiction.

1-3-1 The provisions in this ordinance shall be applicable within the unincorporated portions of Murray County, Georgia.

1-3-2 This ordinance shall become effective immediately upon its adoption by the Murray County Commissioner.

1-3-3 When necessary to further its purposes, this ordinance may be amended from time to time by the Murray County Commissioner. Amendment of this ordinance shall follow the same procedure as followed in amending or adopting other county ordinances.

1-4. Use of plat.

Any transfer, sale, agreement to sell, or negotiation to sell any lot or parcel by reference to, by exhibition of, or by other use of a plat or survey of a subdivision which has not been granted final approval by the Murray County Land Development Officer and recorded in the office of the Clerk of the Superior Court of Murray County shall be prohibited. A description by metes and bounds in an instrument of transfer or other document shall not exempt any such transaction from this provision.

1-5. Platting authority.

The Murray County Land Development Officer shall hereby exercise the power and authority to review and to approve all plats, as set forth hereinbelow. The Murray County Planning Commission shall have the power and authority to review, comment upon, and to approve preliminary plat submittals, as set forth below.

State law reference—Platting authority and procedure for plat approval, O.C.G.A. § 32-6-150 et seq.

1-6. Fees.

A schedule of permit, application, and/or use fees, as adopted from time to time by the Murray County Commissioner, shall be attached hereto as appendix "A" and incorporated herein by this reference.

Editor's note—Appendix A, referred to in this section, is not printed herein but is on file in the county offices.

1-7. Enforcement and penalties.

The Commissioner of Murray County is hereby authorized to adopt, after a public hearing, such written regulations as may be necessary for the proper enforcement of the provisions of this ordinance. These additional regulations shall have the same effect as all provisions of this ordinance and the penalty for violation of the provisions thereof shall be the same as the penalty for violation of the provisions of this ordinance, as hereinafter provided.

The Murray County Land Development Officer or his designee shall be the general administrative and enforcement officer of this ordinance. In the enforcement of this ordinance, the Murray County Land Development Officer may delegate certain enforcement authority to other Murray County employees.

1-7-1 Pursuant to O.C.G.A. § 36-1-20(b), any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $1,000.00, or by imprisonment in the county jail for not more than 60 days, or both.

State law references—Authority for and limitations of penalties for violation of county ordinance, O.C.G.A. § 15-10-60; O.C.G.A. § 36-1-20.

1-7-2 Each day during which a violation of any provision of this ordinance continues shall be considered a separate offense.

1-7-3 The owner, lessee, tenant, or occupant of any real property or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any person who may have assisted in the commission of any such violation, shall be guilty of separate offenses.

1-7-4 The Murray County Magistrate Court shall have original jurisdiction upon any offense charged pursuant to this ordinance unless removed to the Murray County Superior Court for a jury trial pursuant to O.C.G.A. § 15-10-61.

1-7-5 In any circumstance in which any lot or parcel is, or is proposed to be, utilized in violation of this ordinance, Murray County may, in addition to other remedies provided by law, seek equitable relief, injunction, abatement, or any appropriate action or actions, or proceeding to prevent, to enjoin or to abate such use.

1-7-6 Any subdivision of property in direct and/or deliberate violation of this ordinance could also result in penalties as follows:

(a) A denial or withholding of water or sewer service from Murray County to any part or portion of the property in violation; and

(b) A denial or a withholding of building permits from Murray County to any part or portion of the property in violation.

(c) Issuance of stop work orders. The land development officer or codes enforcement officer is authorized to issue stop work orders in any instance where a violation of this ordinance is found. The procedure for issuance of stop work orders shall be the same as the notification procedure for violations as follows:

(1) Violations. In cases where a violation of this ordinance has been determined by the land development officer or codes enforcement officer, he shall notify the owner of the property on which such violation is found in person or by certified mail sent to the address of the property owner as it appears in tax information. The notice of violation shall clearly state the nature of the violation, including specific provision(s) of this article which have not been complied with, and the

date upon which said violation(s) will be remedied. Said date will be determined by the land development officer or codes enforcement officer based on the nature and extent of the violation, but in no case shall exceed 30 days from the date the certified mail was received. In cases where the notice of violation is hand delivered, the date upon which said violation(s) will be remedied shall not exceed 30 days from the date of delivery.

1-8. Interpretation, conflict, and severability.

1-8-1 In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements.

1-8-2 Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable federal, state, or local law, ordinance, resolution, rule, or regulation, the regulation which is more restrictive and which imposes higher standards or requirements shall govern.

1-8-3 If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held by any court of competent jurisdiction to be unconstitutional or void, the validity of the remaining portions of this ordinance shall not be affected thereby. The intent of the Murray County Commissioner in adopting this ordinance is that no portion hereof or provision of the regulations contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this ordinance.

1-9. Variance/appeals.

All appeals from any decision of the Murray County Land Development Officer or his designee relating to any requirement of this ordinance shall be heard by the Murray County Board of Appeals upon such procedures as set forth in the bylaws of the Murray County Board of Appeals, the provisions of which are incorporated herein by this reference. Said board of appeals shall be empowered to grant variances where appropriate, upon the conditions therefore set forth in such board's bylaws.

1-10. Conditions.

In granting variances and modifications, the board of appeals shall require such conditions as will, in its judgments, secure substantially the objectives of the standards or requirements so varied or modified.

1-11. Recording of plats.

No plat of any subdivision of lots or parcels shall be recorded by the Clerk of Superior Court of Murray County unless the plat has received final approval, as evidenced by the signature of the Murray County Land Development Officer, or which is an exempt subdivision of land as defined in this ordinance.

State law reference—Standards for recordation of maps and plats, O.C.G.A. § 15-6-67.

1-12. Road access required.

Effective as of the adoption date of this ordinance, no building permit shall be issued for and no structure or accessory structure shall be erected upon any lot or parcel within Murray County unless the road giving access thereto has been accepted into the Murray County road system as a public road or unless the road is fully constructed and designated as a private road meeting the requirements of section 4-3-6 or as an easement meeting the requirements in section 4-3-7 of this ordinance. All easements of record existing prior to the adoption of this ordinance are exempt from meeting the requirements of section 4-3-7. Any new development must meet all regulations set forth herein.

1-13. Issuance of building permits.

No building permit shall be issued for any proposed structure or building upon any lot or parcel, which has not been recorded by the Clerk of Superior Court of Murray County by a description of metes and bounds in an instrument of transfer (deed), within any proposed subdivision which does not meet, in every respect, the regulations set forth herein.
(Ord. No. 50, Amend. No. 2, 11-2-2004)

State law references—Authority to require county building permit, O.C.G.A. § 36-13-2; county permitting process for mechanical, plumbing and electrical installations, O.C.G.A. § 48-13-29.

1-14. Re-subdivision.

A change in the map of any approved or recorded major subdivision or residential development plat altering the number of lots incorporated within the confines of the original plat is hereby prohibited without the approval of the Murray County Land Use Planning Commission.
(Ord. No. 50, Amend. No. 1, 11-19-2003)

ARTICLE II. DEFINITIONS

2-1. Purpose.

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the term "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not discretionary; the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

2-2. Definitions.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them:

Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Bond. A legal instrument with a clause which establishes a sum of money fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of penalty may be avoided by the performance of certain acts.

Building. Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Common elements. Any portion of a development which is held in common by owners of the development.

Crosswalk. A right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and lots.

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Design standards. The design specifications for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

Easements. A grant by a property owner for the use of a strip of land by an individual, company or agency for a specified purpose.

Easements (access). A grant by a property owner for the use of a strip of land for the purpose of providing incidental vehicular access of a private nature for agricultural, recreational, or similar uses. An access easement must meet the Murray County Road Design and Specifications Requirements for access easements to be used as an access for residential purposes.

Easements (family easement exemption). A limited exception to the general requirement that each lot or parcel have road access shall be created for families, as defined, and as set forth more fully at subsection 1-12.

Erosion and sedimentation control plan. A plan on sites of 1.1 acres or greater or within 200 feet of state waters which presents a complete understanding of the proposed land disturbing activity and measures to prevent soil erosion and water pollution.

Escrow. A legal agreement between the developer and Murray County or the appropriate agency or utility in lieu of actual performance and intended to assure performance.

Existing grade. The vertical location of the existing ground surface prior to cutting or filling.

Filling. The placement of any soil or other solid material either organic or inorganic on a natural ground surface or an excavation.

Finished grade. The final grade or elevation of the ground surface forming the proposed design.

Flood. An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

Floodway. The natural channel and the portion of the floodplain along the channel which must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream. Water travels at a high velocity in the floodway.

Floodway fringe areas. Areas lying outside the floodway district but within the area which would be flooded by the regional flood.

Grading. Altering surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, and stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Health inspector. The legally designated environmental health specialist of the Murray County Health Department, or his representative, who has authority to approve the installation of individual sewage disposal systems.

Immediate family member. Mother, father, son, daughter, grandmother, grandfather, or grandchildren.

Individual sewage disposal system. A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the Murray County Health Department.

Issuing authority. The governing authority of Murray County which has been certified by the director of the environmental protection division of the department of natural resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975 [O.C.G.A. § 12-7-1 et seq.], as amended.

Land disturbing activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading excavating, transporting and filling of land.

Lot. A developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Lot area. The total area of land included within lot lines.

Lot, corner. A lot or parcel of land abutting upon two or more streets at their intersection.

Lot depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries. On corner lots, lot depth is measured from the street frontage with the shortest dimension.

Lot, double frontage. A lot other than a corner lot abutting two streets.

Lot, flag. A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.

Lot frontage. That dimension of a lot or portion of a lot abutting on a street.

Lot, interior. A lot that does not abut the original boundary of the property being subdivided.

Lot lines. The boundary dividing a given lot from the street, an alley, or adjacent lots.

Lot of record. A lot which is part of a subdivision recorded in the superior court clerk's office, or a lot described by metes and bounds, the description of which has been recorded in the superior court clerk's office prior to the date of passage of this ordinance.

Lot width. The width of a lot at the building setback line measured at right angles to the centerline of its depth.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

No-access strip or reserve strip. A strip or parcel of land along, or around, or between properties, the purpose of which is to restrict access.

Owner(s) of record. The owner(s) of property as specified on the deed of the lot of record.

Percentage of grade. On street center line, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

Planning commission. The Murray County Land Use Planning Commission.

Plat.

(a) *Preliminary.* A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated and showing the proposed layout in sufficient detail, although not completely computed, to indicate unquestionably its workability.

(b) *Final.* The final map or drawing and accompanying materials described in this ordinance on which the subdividers plan of the subdivision is presented to the county for approval and which, if approved, is recorded in the office of the clerk of superior court.

Presubmittal conference. An initial and informal stage of subdivision review at which the developer may make known preliminary plan proposals and the county review agency staff may respond and/or advise the developer concerning the subdivision standards.

Protective covenants. Contracts made between private parties or conditions recorded with an approved plat and running with the land, specifying the manner in which land may be used, developed, or improved with the view to protecting and preserving the physical and economic integrity of any given area.

Resubdivision. A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Review agency staff. Any so designated agency which may review appropriate parts of plat submissions by reason of technical capability, authority, or interest.

Right-of-way. A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

Sanitary sewer. A municipal or community sewerage collection, treatment, and disposal system, or a type approved by the Murray County Health Department.

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.

Setback line. That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which any structures must be erected or placed.

Slope. Degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Stabilization. The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Stop work orders. A notice from the Murray County Land Development Officer or Codes Enforcement Officer that requires all work on a development to cease except corrective measures to the violation stated in the notice.

Street. A roadway for vehicular traffic whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley, or otherwise.

(a) *Arterials.* Roads designed to carry rapid, continuous traffic to major magnets within the county routes; will usually pass through or near the heart of a municipality, connecting residential, commercial, industrial and public activity areas.

(b) *Bypass.* A highway designed for fast, continuous movement of all types of traffic between highways and widely separated parts of the urban area. By passes generally have limited or controlled access and are usually grade-separated at railroads and major crossings.

(c) *Collector streets.* A street bringing traffic to arterials, or interconnecting arterials. A street that provides for relatively easy movement at moderate speeds from homes and businesses to arterials.

(d) *Local streets.* A street providing direct access to abutting properties.

(e) *Alley or service drive.* A minor access way used for service access, or property access under specified circumstances, to the back or side of properties otherwise abutting on a street.

(f) *Frontage street.* A street parallel and adjacent to major thoroughfares or arterial streets which provides access to abutting properties with protection from through traffic.

(g) *Cul-de-sac.* A local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(h) *Half-street.* A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

(i) *Marginal access.* A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through-traffic.

Street (private). A right-of-way serving two or more properties which is not dedicated to public use. Any such right-of-way shall be recorded on a plat or deed with a statement that the right-of-way will not be maintained by a government entity.

Street (public). A right-of-way arising by purchase, dedication, or public use which is maintained by a government entity or agency thereof; accessible to, supported and shared by all members of the public.

Street line or *right-of-way line.* A dividing line between a lot, tract, or parcel of land and a contiguous street.

Subdivision. The division of a tract or parcel of land into two or more lots, commercial, industrial, or residential building sites, or other divisions for the purpose, whether

immediate or future, for sale, legacy, or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. For the purpose of this ordinance the definition of a subdivision is broken down into three subcategories; exempt, minor, and major subdivision. Full explanations of these subcategories are given at section 3-1 of this document.

Variance. A modification of the strict terms of this ordinance granted by the Murray County Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property such as irregular lot size, topographic or other characteristics of the land and not as the result of any action on the part of the property owner, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water system.

(a) *Public water system.* A system that provides piped water to the public for human consumption, if such system has at least 15 service connections, or regularly serves an average of 25 individuals daily, at least 60 days out of the year in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5, Rules for Safe Drinking Water.

(1) *Governmental public water system.* A public water system which is owned and operated by a governmental entity or a legislatively created authority.

(2) *Nongovernmental public water system.* A public water system which is owned and operated by any nongovernmental entity and must execute a trust indenture with the director of the Georgia Environmental Protection Division to secure the operation and maintenance of the system.

(b) *Community water system.* A system serving more than one single-family dwelling but fewer than the connections and/or persons required to be considered a public water system.

(c) *Individual water supply system* means a system of piping, pumps, tanks, or other facilities, which utilizes groundwater to supply a single-family dwelling.

(Ord. No. 50, Amend. No. 1, 11-19-2003; Ord. No. 50, Amend. No. 2, 11-2-2004)

ARTICLE III. SUBDIVISION PLAT SUBMITTAL AND APPROVAL PROCEDURE*

3-1. Required subdivision submittals.

All submittals, upon filing, shall be classified as an "exempt," "minor," or "major" subdivision of land, as follows:

3-1-1 *Exempt subdivision.* Any division of a lot or parcel into two or more lots, parcels, or other divisions which has the following characteristics is exempt from the requirements of this ordinance (though such divisions may be subject to certain regulations contained within other ordinances, such as minimum lot size requirements, etc.):

(a) The division of land between or among heirs or beneficiaries in accordance with the Georgia Probate Code [O.C.G.A. § 53-1-1 et seq.] and approved by the Murray County Probate Judge.

(b) The division of land between immediate family members provided that such divisions meet all requirements of this ordinance in the creation of lots or building sites as outlined in section 4-4.

(c) The acquisition of rights-of-way by any governmental unit, municipality, the Georgia Regional Transportation Authority (GRTA), or the Georgia Department of Transportation (GDOT).

3-1-2 *Minor subdivision.* Any division of a lot or parcel into two, but no more than five total lots, parcels, or other divisions (or re-division of the same parcel which alters lot lines) which fronts upon an existing public or private road which meets the requirements of the Murray County Road Design and Specifications Requirements and which does not require any new or improved road, public water, sewer service, or other utility extensions and which is not otherwise in conflict with any provision of this ordinance.

3-1-3 *Major subdivision.* Any division of a lot or parcel into two or more lots, parcels, or other divisions which is not classified as either exempt or minor.
(Ord. No. 50, Amend. No. 1, 11-19-2003; Ord. No. 50, Amend. No. 2, 11-2-2004)

3-2. Conformance to Applicable Rules and Regulations.

In addition to the requirements established in this ordinance, all subdivision plats shall comply with all applicable federal, state, and/or local laws, resolutions, rules, or regulations.

3-3. Presubmittal conference.

A presubmittal conference, while not required, serves as an informal plan review involving a developer and the Murray County Land Development Officer or his designee(s). The purpose is to allow a developer/subdivider to discuss his concept and proposed design. The Murray County Land Development Officer, during such meeting, may raise factors

*__State law reference—__Procedure for plat approval, O.C.G.A. § 32-6-150 et seq.

which may impact upon a proposed development and advise a developer/subdivider of various possibilities before he or she has expended substantial amounts of time and/or money in a very detailed proposal which may contain elements contrary to this ordinance.

3-4. Exempt subdivision.

Upon a proper showing that a proposed subdivision shall be considered exempt, the Murray County Land Development Officer shall sign any proposed plat for recording by the Clerk of Superior Court of Murray County, as requested.

3-5. Submittal, review and approval procedure for a minor subdivision.

3-5-1 *Submit final plat.* Any person seeking approval of a proposed minor subdivision plat shall submit such final plat directly to the Murray County Land Development Officer or his or her designee, the final plat which has been prepared in accordance with section 3-5-3 of this ordinance, together with the prescribed fee and reasonable evidence that no taxes, liens, or assessments are outstanding against the real property by the Murray County Tax Commissioner.

3-5-2 *Approval procedures.*

(a) Before submitting a proposed final plat to the Murray County Land Development Officer, all applicable certificates of approval shall already be endorsed upon the plat by the appropriate department heads or officials, except for the certificate for approval of recording, which is to be executed by the Murray County Land Development Officer after determining that all conditions precedent thereto have been met.

(b) The Murray County Land Development Officer shall approve or deny such plat within ten working days of its submittal. If no action is taken, the plat shall stand approved. The developer/sub-divider may waive such time requirement and may consent to an extension of this period if both parties agree.

(c) If a minor subdivision proposes access to a state highway, the Georgia Department of Transportation (GDOT) shall determine the feasibility of such access pursuant to O.C.G.A. § 32-6-151.

(d) *Final plat certificate of approval.* Each final plat submitted shall carry the certificate of approval appropriate to the particular development and signed by the Murray County Land Development Officer.

3-5-3 *Final plat specifications.* The final plat shall be prepared by a Georgia Registered Land Surveyor. If a professional engineer, licensed to practice in Georgia, shall contribute to the plat, then appropriate seals shall be shown. The plat shall be drawn at a scale appropriate to show details but no smaller than 100 feet to one inch. However, where the size of the proposed subdivision exceeds 100 acres, the scale may be no smaller than 200 feet to

one inch. The plat shall be drawn in permanent ink on reproducible material and unless specifically waived, in whole or in part by the Murray County Land Development Officer, shall include:

(a) The name of the subdivision;

(b) The name, address, and telephone number of the person to be notified of action;

(c) The name, address, seal, and license number of the registered land surveyor; the original signature of the surveyor shall be across the seal for the plat to be valid; also, professional engineers, if appropriate;

(d) The date of the plat drawing, graphic scale, north point, notation as to the reference of bearings to magnetic, true north, or grid north and indication whether bearings shown are calculated from angles turned or taken from compass readings;

(e) The location of the parcel (land district and land lot) giving total acreage being subdivided, and total number of lots created and total length of new roads within the development;

(f) A general location map not necessarily to scale, showing the relationship of the plat to other existing roads and properties in Murray County;

(g) The Index map where more than one sheet is required to present the plat; (Note: multiple sheets shall each be named to conform with the title sheet and designated for example: 1 of 3, 2 of 3, and 3 of 3);

(h) Identify the point of beginning (POB) tied to the nearest existing road intersection or nearest land lot line or district line;

(i) Exact boundary lines and zoning classification(s) of the parcel, to be indicated by a heavy line giving distances to the nearest one-hundredth foot and angles to the nearest minute, which shall be balanced and closed with an error of closure to be one foot in 10,000 feet or better. The error of closure shall be stated on the plat;

(j) City, county or land lot lines accurately tied to the lines of the subdivision by distance and bearings when such lines traverse the subdivision;

(k) Lot lines with dimensions to the nearest one-hundredth foot, necessary bearings, arcs, and chords and tangent or radii of rounded corners;

(l) Front, side, and rear structure or building setback lines;

(m) Lots or parcels numbered in numerical order or numbered in relationship to each phase of development; phase development lines;

(n) The boundary and elevation of the one-hundred-year flood plain as determined by F.I.R.M. and/or best available data, as determined by the Murray County Land Development Officer;

(o) Applicable certificates and statements as specified in this ordinance;

(p) If a declaration of covenants and restrictions apply to the subdivision, then such covenants and restrictions shall be presented before the final plat is approved; the plat shall contain a statement as follows: Restrictive covenants apply to the subdivision of lots shown hereon;

(q) The location and dimension of all areas proposed to be set aside for recreational use, open space, green space, or other public use, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

(Ord. No. 50, Amend. No. 2, 11-2-2004; Ord. No. 50, Amend. No. 3, 5-3-2005)

3-6. Submittal, review and approval procedure for a major subdivision.

3-6-1 *Preliminary plat.* Following a presubmittal conference with the Murray County Land Development Officer or his designee(s), but before any grading, site development, or construction shall commence, the developer/subdivider shall submit a preliminary plat, as follows:

(a) A preliminary plat which has been prepared in accordance with subsection (g) of this section, together with [a] prescribed fee, shall be submitted to the Murray County Land Development Officer. A minimum of six copies of the preliminary plat (eight copies where the subdivision is proposed for access to a state highway) and supporting documentation shall be submitted. The submission shall occur not less than 30 working days prior to the meeting date of the planning commission at which the developer/subdivider desires preliminary plat review and approval.

(b) If access to a state highway is proposed then the Georgia Department of Transportation (GDOT) shall receive two copies of the proposed plat to determine the feasibility of such access in accordance with O.C.G.A. § 32-6-150 et seq. The planning commission and/or the Murray County Land Development Officer shall include any requirements of the Georgia Department of Transportation (GDOT) in any action taken upon such proposed plat.

(c) In the event that the developer/subdivider desires or is required to obtain approval of the Federal Housing Administration (FHA), Housing and Urban Development (HUD), or other federal or state agency, such approval shall be secured prior to the submission of a preliminary plat, if possible. If such permission is not secured prior to the submission, the time period for preliminary plat approval may be required to be extended.

(d) All applicable county departments shall conduct individual reviews of the plat. The Murray County Land Development Officer shall review the plat for compliance with minimum preliminary plat specifications set forth at subsection (g) of this section and with any other provision of this ordinance.

(e) Within 30 days after the date of review by the planning commission, the preliminary plat shall be approved or disapproved. If the planning commission shall fail to act

within 30 days following the date of review, such plat shall be deemed approved preliminarily; provided, however, the developer/subdivider may waive this requirement and consent in writing to an extension of the period.

(f) The grounds for disapproval of any preliminary plat shall be stated in writing upon the records of the planning commission and a copy of the grounds provided to the applicant. After official action by the planning commission, a letter shall be issued by Murray County or its designee to the subdivider notifying the subdivider of the official action. Any conditions attached to the official action shall be stated, and if the preliminary plat is denied, the reasons for denial shall also be stated.

(g) Preliminary plat specifications. The preliminary plat shall be prepared by a Georgia registered land surveyor; if a professional engineer contributed to the plat, then such shall be indicated upon the plat. The plat shall be drawn at a scale not smaller than 100 feet to one inch. However, where the size of the proposed subdivision exceeds 100 acres, the scale may be no smaller than 200 feet to one inch. The plat shall be drawn in permanent ink upon reproducible material and unless specifically waived, in whole or in part by the Murray County Land Development Officer, shall include:

(1) The proposed name of the subdivision; new roads and existing roads;

(2) The name, address, and telephone number of the person to be notified of action;

(3) The name, address, and license number of the registered land surveyor responsible for the preparation of the plat;

(4) The graphic scale, north arrow, and date of plat preparation;

(5) The total acreage in single parcel ownership by the developer/subdivider; the total number of acres being subdivided; the total number of lots created; and the total length of roads;

(6) A general location map which does not have to be to scale, showing the proposed development in relation to other adjacent properties and existing roads in Murray County;

(7) The location, zoning classification(s,) and dimensions of all boundary lines of the parcel to the nearest one one-hundredth of a foot, the deed record names of adjacent owners or subdivisions, which shall be identified by submittal of copies of the property record card from the county tax assessors office.

(8) The location of all existing and proposed property lines, roads, watercourses, railroads, sewer lines, water lines, drainpipes, bridges, culverts, and easements for existing utilities (water, sewer, gas, electricity) or other features. Existing features shall be distinguished from those which are proposed. Other additional information to be provided are the present zoning classification (if any) both of the land to be subdivided and of adjoining lands, the names of adjoining property owners or subdivisions, the name of the applicable water district, and the size of existing water and sewer lines;

(9) Topography by contours at vertical intervals of not more than two feet; Prominent drainage features, such as lakes, depressions, streams, etc., which may affect subdivision design shall be shown; Engineering data showing the high water elevation, based on 100-year flood and how it was established shall be submitted with the plat. The contour requirement may be waived or the interval adjusted up or down based upon the need, as determined by the Murray County Land Development Officer;

(10) A master drainage concept plan shall be submitted which locates and sizes all drainage areas and future drainage structures affecting the proposed subdivision;

(11) The layout and scaled dimensions of all lots and roads; the location, purpose, and dimensions of all existing and future drainageways and easements;

(12) The location and dimension of all areas proposed to be set aside for recreation use, open space, green space, or other public use, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;

(13) Front, side, and rear structure or building setback lines;

(14) Plans, prepared by the developer's engineer or surveyor, of proposed sewer and water systems showing connections to the existing or any proposed utility systems, including line sizes, location of hydrants and manholes. There shall be a statement upon the plat to indicate whether the applicable water service to the proposed development shall be by individual water supply or by public treated water and whether the applicable sewage disposal service shall be by on-site sewage management systems or by sanitary sewer. All existing wells within 100 feet of the property line shall be shown, if possible; rock outcrops, springs, and other outstanding topographic features shall be designated. If on-site sewage management systems are proposed, then soil types (including level III soil classification testing and/or soils percolation results, if applicable) shall be shown upon the plat and contour map in compliance with the requirements of the Murray County Health Department, the Georgia Department of Human Resources, and/or the Georgia Department of Natural Resources, as applicable. If water and/or sanitary sewer service providers are proposed, there shall be included a statement by such service provider that such service is in fact available to the proposed subdivision;

(15) A draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions;

(16) Environmentally sensitive areas: location of major river corridors, water supply watersheds, groundwater recharge areas, wetlands, the boundary and elevation of the 100-year floodplain, as determined by past history of flooding or the best available data;

(17) Where a proposed subdivision is to be developed in phases with additional plat(s) to be submitted later, a preliminary plat shall be accompanied by a future tract plan, depicting reasonably the entire lot or parcel to be divided, the future road system, and topography thereon;

(18) The centerline profile of all proposed roads showing natural and finished grades, proposed road names, and a cross-section of the proposed road design. The horizontal scale shall be the same as that used for the associated plan drawings. The vertical scale shall be at least one inch equals ten feet.

(Ord. No. 50, Amend. No. 1, 11-19-2003; Ord. No. 50, Amend. No. 6, 5-1-2007)

3-6-2. Final plat.

Subsequent to approval of the preliminary plat, a developer/subdivider shall submit a final plat, which is in conformity with the previously approved preliminary plat, to the Murray County Land Development Officer, pursuant to the following sequence of submittal, review, and approval:

(a) Before a final plat is submitted, all public utility extensions or public or private roads which were approved in the preliminary plat shall be completed or bonded in accordance with approved Murray County standards, and certificates of satisfactory completion have been obtained from appropriate authority(ies.)

(b) A minimum of six copies of the final plat and site plan and all supporting documentation shall be submitted within two years from the date of approval of the preliminary plat; if final plat approval is not sought within two years of preliminary approval, a preliminary plat must be resubmitted.

(c) If the developer/subdivider places restrictions upon any of the lots or parcels contained in the subdivision greater than those required by this ordinance, such restrictions or reference thereto shall be identified upon the plat by the following statement: "Restrictive covenants apply to the subdivision of lots shown herein." Also, both the plat and the covenants shall be recorded referencing each other.

(d) Approval procedures. Within 30 days after submittal of the final plat and site plan and all supporting documentation, the final plat and/or site plan shall be approved or disapproved by the Murray County Land Development Officer. If no action is taken within such period, the plat shall stand approved. The Murray County Land Development Officer may disapprove any such final plat if any portion of the proposed subdivision is in violation of any applicable ordinance, law, rule, or regulation of any governmental unit having jurisdiction.

(e) Approval of the final plat by the Murray County Land Development Officer shall not be deemed an acceptance by the county or the public of the dedication of any road, right-of-way, or other real property shown upon the plat or site plan. The developer/subdivider must prepare deeds of conveyance for each right-of-way or other public space and separate action is required by the Murray County Land Development Officer to accept such deeds of conveyance.

(f) Completeness. If any of the specifications or facts required herein are omitted or misrepresented, the Murray County Land Development Officer or the planning commission may refuse to review such plat and may return such submittal to the developer/subdivider for completion or revision.

(g) Approval duration. Construction drawings shall be submitted within one year of preliminary plat approval. If construction has not commenced within one year of plat approval, said approval shall expire unless extended in writing by the Murray County Commissioner. If such approval shall expire, then a new preliminary plat must be submitted in accordance with then-current regulations.

(h) Final plat specifications. The final plat shall be prepared by a Georgia registered land surveyor. If a professional engineer, licensed to practice in Georgia, shall contribute to the plat, then appropriate seals shall be shown. The plat shall be drawn at a scale appropriate to show details but no smaller than 100 feet to one inch. However, where the size of the proposed subdivision exceeds 100 acres, the scale may be no smaller than 200 feet to one inch. The plat shall be drawn in permanent ink on reproducible material upon a sheet or sheets not exceeding 20 by 24 inches, and unless specifically waived, in whole or in part by the Murray County Land Development Officer, shall include:

(1) The name of the subdivision and road names;

(2) The name, address, and telephone number of the person to be notified of action;

(3) The name, address, seal, and license number of the registered land surveyor; the original signature of the surveyor shall be across the seal for the plat to be valid; also, professional engineers, if appropriate;

(4) The date of the plat drawing, graphic scale, north point, notation as to the reference of bearings to magnetic, true north, or grid north and indication whether bearings shown are calculated from angles turned or taken from compass readings;

(5) The location of the parcel (land district and land lot) giving total acreage being subdivided, total number of lots created and total length of new roads within the development;

(6) A general location map not necessarily to scale, showing the relationship of the plat to other existing roads and properties in Murray County;

(7) The index map where more than one sheet is required to present the plat (Note: Multiple sheets shall each be named to conform with the title sheet and designated, for example: 1 of 3, 2 of 3, and 3 of 3);

(8) Identify the point of beginning (POB) tied to the nearest existing road intersection or nearest land lot line or district line;

(9) Exact boundary lines and zoning classification(s) of the parcel, to be indicated by a heavy line giving distances to the nearest 1/100 foot and angles to the

nearest minute, which shall be balanced and closed with an error of closure to be one foot in 10,000 feet or better. The error of closure shall be stated on the plat;

(10) City, county or land lot lines accurately tied to the lines of the subdivision by distance and bearings when such lines traverse the subdivision;

(11) Lot lines with dimensions to the nearest 1/100 foot, necessary bearings, arcs, and chords and tangent or radii of rounded corners;

(12) Front, side, and rear structure or building setback lines;

(13) Lots or parcels numbered in numerical order or numbered in relationship to each phase of development; phase development lines;

(14) A master drainage plan shall be submitted to the Murray County Land Development Officer with technical design criteria, as set forth herein. Location, dimensions and purpose of all drainage structures and of any easements; including slope easements, and public service utility right-of-way lines, and any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any areas to be reserved by deed covenant for common uses of all property owners;

(15) Final sanitary sewer easements (if applicable) with manhole locations;

(16) Final water supply system easements (if applicable) with location of fire hydrants;

(17) Locations of monuments and markers to the degree of accuracy required of professional engineers and/or registered land surveyors pursuant to Georgia law;

(18) The boundary and elevation of the 100-year floodplain as determined by FIRM and/or best available data, as determined by the Murray County Land Development Officer;

(19) Applicable certificates and statements as specified in this ordinance;

(20) If a declaration of covenants and restrictions apply to the subdivision, then such covenants and restrictions shall be presented before the final plat is approved; the plat shall contain a statement as follows: "Restrictive covenants apply to the subdivision of lots shown hereon";

(21) The location and dimension of all areas proposed to be set aside for recreational use, open space, green space, or other public use, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;

(22) The Murray County Tax Assessor's map and parcel numbers for GIS purposes;

(23) A complete list of any deviation(s) from the approved preliminary plat;

(24) Delineate the location of fill areas on all building lots, and submit documentation of certified test results, with a minimum compaction of 90 percent Modified Proctor;

(25) A CD ROM containing a .dxf file of the completed final subdivision plat.

(i) *Final plat certificates of approval.* Each final plat submitted shall carry certificates of approval appropriate to the particular development and signed by the appropriate governmental authorities. The following certificates may apply; if not, then statements appropriate to the development may be prepared after consultation with the Murray County Land Development Officer:

Certificate of Ownership—Public Dedication

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision and restrictive covenants thereto. I (we) dedicate to Murray County all rights-of-way, easements, roads, drains, and public grounds shown hereon.

_____ _____

Owner(s) Date

Certificate of Approval for Recording (Major Subdivisions)

I hereby certify that the final subdivision plat shown hereon has been reviewed by the Murray County Land Use Planning Commission and the Murray County Land Development Officer and has been found to comply with the *Murray County Subdivision Regulations,* and the *Murray County Land Use Regulations,* [with the exception of such variances, if any, as are noted upon the plat], and that it has been approved for recording in the Office of the Clerk of the Superior Court of Murray County, Georgia.

_____ _____

Murray County Land Development Officer Date

Chairman, Murray County Land Use Planning Commission _____

Date

Certificate of Ownership—Private Road System

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision [adopt restrictive covenants applicable thereto], and we and our assigns retain and to maintain for private use all roads, parks, drains, easements, and common grounds, shown hereon.

_____ _____

Owner(s) Date

Final Accuracy and Design Certificate

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision: that all monuments shown

hereon actually exist and their location, size, type, and material are correctly shown; and that all requirements of the *Murray County Subdivision Regulations* as pertaining to surveying have been fully complied with.

*By:*_____ *Registered Georgia Land Surveyor*

Date:_____ No. _____ and seal.

Certificate of Approval of Public Water and/or Public Sanitary Sewer System
[Governmental]

I hereby certify that the water system and/or sanitary sewer system serving the lots on this final subdivision plat has been installed or bonded in accordance with the requirements of (Name) Utilities.

*By:*_____ *Date:*_____

Name of Utility:_____

Certificate of County Health Department

The Health Department of Murray County, Georgia, approves this Final Subdivision Plat for Septic Tank, and Drainage Field disposal subject to any and all information as may be required by the Murray County Health Department.

_____ _____

Murray County Health Officer Date

Certificate of Approval of Streets and Drainage

I hereby certify: (1) that all designated streets and drainage structures on this final subdivision plat have been installed in an acceptable manner and according to the specification of the *Murray County Road Design and Specifications Requirements,* or (2) that a bond or other surety has been filed to guarantee said installation.

_____ _____

Murray County Director of Public Works Date

Certificate of Approval of Subdivision Name and Street Names

I hereby certify that final subdivision plat shown hereon, has been reviewed by the Murray County 911 Director, and has been found to comply with the requirements of the *Murray County Subdivision Regulations* for Subdivision Names and Street Names.

_____ _____

Murray County 911 Director Date

Certificate of Approval of Subdivision Fire Protection

I hereby certify that the final subdivision plat shown hereon, has been reviewed by the Murray County Fire Chief, and has been found to comply with the requirements of the *Murray County Subdivision Regulations* for Fire Protection.

_____ _____

Murray County Fire Chief Date

(Ord. No. 50, Amend. No. 1, 11-19-2003; Ord. No. 50, Amend. No. 2, 11-2-2004; Ord. No. 50, Amend. No. 3, 5-3-2005; Ord. No. 50, Amend. No. 5, 12-5-2006; Ord. No. 50, Amend. No. 6, 5-1-2007)

ARTICLE IV. DESIGN STANDARDS

4-1. Purposes.

The purposes of appropriate subdivision and site design is to promote the health, welfare, and safety of the public; to create a functional and aesthetically pleasing development; to minimize adverse impacts; and to ensure that projects will be designed to result in a well-planned community without adding unnecessarily to development costs.

4-2. General design principles.

4-2-1 *Site analysis.* An analysis shall be made of characteristics of the development site, such as site context, geology and soil, topography, climate, ecology, existing vegetation, structures, and road networks, visual features, and past and present use of the site. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

4-2-2 *Land suitability.* Land which the Murray County Land Development Officer finds to be unsuitable for subdivision or development due to flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and/or the general public and surrounding areas shall not be subdivided or developed unless adequate methods are designed by the developer/subdivider to solve the problems created by the unstable land conditions. Any such remedial actions shall be subsequently approved by the Murray County Land Development Officer.

4-2-3 *Annexation.* Subdivisions planned for future annexation by any city shall be developed to then-current city standards, if any such standard shall exceed that of Murray County, and shall be subject to the review and comment of such city, with final approval remaining with the Murray County Land Development Officer.

4-3. General subdivision design standards.

4-3-1 *Monuments.* The developer/subdivider's registered land surveying firm shall place permanent reference monuments in the subdivision as required herein. Monuments shall be located and set as follows:

(a) Monuments shall be located upon road right-of-way lines, and road intersections.

(b) All lot corners shall be marked by iron rods, pipe, or pins at least 18 inches long and one-half inch in diameter.

(c) Lot lines which extend to any state waters shall be monumented in the field by placing monuments on the property line, and no closer to the waters than the top of [the] bank. It is recommended that these monuments be placed on the property line and 25 feet from the top of [the] bank.

(d) All monuments and pins shall be properly set in the ground or noted as future by [a] registered land surveying firm and approved by a registered surveyor prior to the submittal of any plat.

4-3-2 *Name of subdivision.* The name of the subdivision shall be approved by the Murray County 911 Director and shall neither duplicate nor closely approximate the name of any existing subdivision.

4-3-3 *Residential development design.*

(a) The Murray County Land Development Officer and/or the planning commission may allow alternative lot area and/or dimension setbacks as in the conservation subdivision section (section 5-1), provided that lots conform to the minimum requirements of the Murray County Land Use Intensity Districts Ordinance, and provided that such standards shall be appropriate to the type of development permitted and is used to protect natural resources.

(b) Each lot or parcel shall have sufficient access to it for emergency vehicles as well as for those requiring access to the property for its intended use.

(c) The placement of lots in residential developments shall take into consideration topography, privacy, orientation, drainage, and aesthetics.

4-3-4 *Manufacturing and commercial development design.* Manufacturing and commercial development shall be designed according to similar principles governing the design of residential developments. Buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable. Factors such as drainage, noise, odor, surrounding land uses and sufficient access shall be considered.

4-3-5 *Circulation system design.* Road systems shall be designed to permit the safe, efficient and orderly movement of traffic; to meet the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive roadscape.

4-3-6 *Access by private roads.* Private roads which meet the Murray County Road Design and Specifications Requirements for private roads may be approved in subdivision developments where controlled access or privacy is desired by the developer/subdivider provided such roads meet the following conditions:

(a) The preliminary and final plats of a development proposing private roads shall show a statement indicating: "The road system is private and will not be maintained or improved by Murray County."

(b) The deed for each lot or parcel sold from the plat shall also contain the statement: "The maintenance and improvement of the private road providing access to the described lot is the responsibility of the property owner(s) and not Murray County."

(c) The plat review process shall also include evidence of the legal formation of a property owners association to be charged with the minimum responsibility for maintenance of the private road. Such legal documentation shall be recorded and referenced as an attachment to the final plat.

4-3-7 *Access by easements.* In the absence of other Zoning Regulations, easements for residential access are prohibited except if other legal access or road frontage is unavailable and must meet the guidelines set forth under section 4-3-8 (Family easement access exemption) and only under the following conditions:

(a) That it meets the construction requirements for access easements set forth in the *Murray County Road Design and Specifications Requirements.*

(b) If the roads are not maintained at this acceptable level (determined by the Murray County Public Works Road Department) then the county will perform the necessary work and back charge the owners of the lots fronting the easement. Those who do not reimburse the county for their pro-rata share of these costs would be assessed the amount owed with their property taxes.

(c) The preliminary and final plats of a development proposing access easements shall show a statement indicating: The road system is an access easement and will not be maintained or improved by Murray County.

(d) The deed for each lot or parcel sold from the plat shall also contain the statement: The maintenance and improvement of the easement providing access to the described lot is the responsibility of the property owner(s) and not Murray County.

4-3-8 *Family easement access exemption.* There shall be exempted from the access requirement set forth herein above at section 1-12 any subdivision of a lot or parcel into not more than four total parcels (which shall include any remaining portion of the original parcel and any other pre-existing lots or parcels accessed by such easement) for purposes of transfer, either by sale or by gift, to a family member of the original owner thereof. The initial building permit shall only be issued to and completed by the recipient of such lots or parcels created under the family easement access exemption.

(a) The original parcel may be subdivided at one time or over a period of time; however, each exemption for each proposed divided parcel shall be considered separately.

(b) Such exemption shall be in writing to Murray County Land Use Department, which shall therefore request the Murray County Fire Chief or his designee to inspect the proposed divided parcel, including the proposed access, and to report back in writing whether such proposed access is or is not adequate for fire protection and other emergency services as outlined in the Murray County Road Design and Specification Regulations. If the roads are not maintained at this acceptable level (determined by the Murray County Public Works Road Department) then the county will perform the necessary work and back charge the owners of the lots fronting the easement. Those who do not reimburse the county for their pro-rata share of these costs would be assessed the amount owed with their property taxes.

(c) The transfer of any portion of the original parcel or of any divided parcel other than by the law of testate or intestate succession shall automatically result in the prohibition of any further access exemption for any portion of the original parcel.

(d) The original owner shall provide birth certificates and/or other documentation to the Murray County Land Development Department, as reasonably requested, to establish a sufficient family connection for purposes of the exemption.

(e) Any misstatement of a material fact or violation of any of the provisions of this subsection by the original owner for a family member shall constitute sufficient grounds for denial by the Murray County Land Development office, either for the pending request or for any future requests concerning the original or previously divided parcels.

(f) A divided parcel as well as any remaining portion of the original parcel must at all times meet applicable minimum lot size standards then in effect pursuant to the provisions of this chapter.

(g) A divided parcel created pursuant to the terms of this exemption shall include as an appurtenance thereto, a specifically described nonexclusive easement, 50 feet in width, for purposes of ingress, egress, and above and below ground utility services, allowing access from such divided parcel to a public right-of-way.

(h) The proposed subdivision plat shall contain a statement to read as follows:

"*Family Exemption Property.* The property shown hereon has been exempted from certain provisions of the Murray County Subdivision Ordinance pursuant to subsection 1-12 and subsection 4-3-7, of said ordinance. Said property is not located on a public road and due to such fact, certain county services may not be provided to said property."

(Ord. No. 50, Amend. No. 1, 11-19-2003; Ord. No. 50, Amend. No. 2, 11-2-2004; Ord. No. 50, Amend. No. 3, 5-3-2005; Ord. No. 50, Amend. No. 4, 8-1-2006; Amend. No. 7, 8-3-2010)

4-4. Lot design standards.

In the absence of other zoning regulations, all lots hereafter established in connection with the development of a subdivision shall comply with the following design standards:

4-4-1 *Lot lines.* Insofar as practicable, side lot lines shall be perpendicular to or radial to roadways.

4-4-2 *Jurisdictional limits and lot lines.* Lots shall not be divided by pre-existing city or county boundary lines.

4-4-3 *Lot access.* Each lot or parcel created shall have direct abutting access to an approved public or private road or access easements (see section 1-12). Each lot must front for at least 50 feet upon an approved road or access. Construction and/or maintenance of driveways connecting to the public road right-of-way or to the private road or easements shall be the sole responsibility of the lot or parcel owner.

4-4-4 *Building set back lines.* In the absence of other zoning regulations the residential building setback lines should be as follows:

(a) A minimum of 25 feet from the front property line on lots abutting local roads.

(b) A minimum of 40 feet from the property line upon lots abutting collector or arterial roads.

(c) A minimum of ten feet from the side yard property lines.

(d) A minimum of 20 feet from rear property lines.

4-4-5 *Adequate building sites.* Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this ordinance and any existing ordinance, as is appropriate.

4-4-6 *Flag or panhandle lots.* "Flag" or "panhandle" lots, of required width and area will be allowed where terrain makes standard design or frontage impossible or impractical. Their use is to be discouraged for any other proposal. Where such lots are allowed, the road frontage of each panhandle access shall be not less than 50 feet wide at any point and the panhandle access shall be not more than 1,000 feet long. Not more than two such panhandle access points shall abut each other. Refer to section 4-4-14(c) for determining total land area needed to install individual sewage management system on a "panhandle" or "flag" lot.

4-4-7 *Double and/or reverse frontage lots.* Double and reverse frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, orientation, and property size. A planted screen reservation of at least five feet, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic arterials or other disadvantageous use.

4-4-8 *Lot grade to road grade.* Guidelines are set forth in the Murray County Road Design and Specification Requirements.

4-4-9 *Corner lots.* Corner lots shall be sufficiently large to permit the location of structures so as to conform to the minimum setback requirement upon both roads. Corner lot lines at road intersections shall have a minimum radii of 20 feet.

4-4-10 *Lot remnants.* Lot remnants shall be prohibited. Such remnant areas shall be added to adjacent lots or shall be set aside as green space with permanent conservation easements, rather than to remain as unusable parcels.

4-4-11 *Easements.* Easements shall be provided in subdivisions for the following purposes:

(a) *Utility easements.* When necessary and desirable to locate public utility lines in other than road rights-of-way, easements shall be shown upon the plat for such purposes. Such easements shall be not less than 15 feet in width (or greater if required by the Murray County Land Development Officer due to particular characteristics of the lot or parcel) and, where possible, shall be centered upon rear or side lot lines.

(b) *Watercourse and drainage easements.* Where a proposed subdivision is traversed by a watercourse, drainageway, or stream, appropriate provisions shall be made to accommodate stormwater and drainage through and from the proposed subdivision. Such easement shall conform substantially with the lines of said watercourse and be of sufficient width or construction, or both, as required by the Murray County Land Development Officer to be adequate for the purpose.

4-4-12 *[Reserved.]*

4-4-13 *Culs-de-sac.* Lots fronting onto a cul-de-sac shall have a minimum of 35 feet frontage.

4-4-14 *Lot area.* To provide for the orderly and safe development of property utilizing on-site sewage management systems, minimum lot sizes have been established. Larger lot sizes may be required to meet the requirements of this rule depending on the proposed development of the property. County zoning authorities may require larger minimum lot sizes; the larger minimum lot sizes will take precedence.

1. Lot sizing requirements are as follows for single family dwellings such as manufactured homes, stick built homes, modular homes, etc. on or in subdivisions, manufactured home parks and residential lots at large in the county:

Minimum (Min.) Lot sizes, and Maximum (Max.) allowable Sewage Flow with Types of Water Supply System.

Minimum Lot Sizes for Single Family Residential Use, In Square Feet, Utilizing Individual Sewage Management Systems and Individual Water Systems

		SOIL GROUPINGS				
Slope Class	Slope %	1	2	3	4	5
		5—10 MPI	11—30 MPI	31—60 MPI	61—90 MPI	91—120 MPI
A, B	0—5	52,000	52,000	52,000	52,000	1.5 acres
C	5—15	52,000	52,000	52,000	52,000	1.5 acres
D	15—25	1.5 acres	1.5 acres	1.5 acres	1.5 acres	1.5 acres
E	25—35	2 acres	2 acres	2 acres	2 acres	2 acres
F***	35	2 acres	2 acres	2 acres	2 acres	2 acres

***Slope over 35 percent cannot be utilized for individual sewage disposal systems except in cases where special studies submitted by a registered engineer show that site modifications can overcome slope limitations. Said studies must meet current state guidelines.

(a) The above minimum lot sizes are for the typical size home (three bedroom) with basic appurtenances such as: driveway, minimum number of trees, and water supply line. For each additional bedroom over three, a minimum of 3,000 square feet per bedroom of useable soils area (suitable for use for an individual onsite sewage management system) shall be provided for installation of the individual sewage management system. At a minimum, 50 percent of the platted lot shall be useable soils exclusive of the building site, drive, right-of-way, easements and buffers; when served by public/community water, 30 percent when served by individual wells.

(b) The county board of health will also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, need for subsurface drainage or adverse topographic features or landscape position.

(c) Lots shall be a minimum width of 125 feet or 150 feet (single family dwellings and duplexes—125 feet, multi-family—150 feet) in the area where an approved on-site sewage management system and replacement system are to be located.

1. Where on-site sewage management systems and community or public water are used, minimum lot sizes may be reduced by up to 50 percent. However, no lot should be less than 30,000 square feet. No lot size reduction will be allowed on slopes of greater than 35 percent.

2. The total area encompassed by the access easement or "panhandle" shall not be included in computing the functional area of the lot for sewage disposal purposes.

3. Lots utilizing drip emitter systems shall be a minimum of 1½ acres.

4. The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gallons/acre/day when served by non-public or individual water supply or 1,200 gallons/acre/day when served by a public water/common supply system. When sewage flows exceed these quantities (600 or 1,200 gallons/acre/day as indicated) for a given structure, the minimum lot size or parcel of land shall increased proportionally. All lots must have sufficient unobstructed land area for an approved on-site sewage management system and approved complete replacement system. Lots platted before the adoption of these rules and regulations which do not meet the minimum lot size may be approved provided there is sufficient area available to locate the proposed structure, on-site sewage disposal system, and other appurtenances and the complete replacement of the on-site sewage management system.

(d) For multi-family units (i.e. duplexes, apartments, etc.) lot size shall be increased by 25 percent for each unit above the initial unit.

4-4-15 *Lot width.* In the absence of any other land management regulations, the minimum lot width at the building setback line in the unincorporated area of the county shall be as follows:

Single Family	With or Without public water supply	125 feet
Multi-Family and Duplexes	All	150 feet

(Ord. No. 50, Amend. No. 2, 11-2-2004; Ord. No. 50, Amend. No. 3, 5-3-2005; Amend. No. 7, 8-3-2010)

4-5. Road design standards.*

All roads, whether public or private, which shall hereafter be established in connection with the development of a major subdivision shall comply with the Murray County Road Design and Specifications Requirements.

4-5-1 *Access to arterials and collectors.* Where a subdivision borders upon or contains an existing or proposed arterial or collector route, as defined upon the Georgia Department of Transportation Functional Classification Map, it may be required that access to such road be limited by:

(a) The subdivision of lots so as to back on the arterial or collector road and front on a parallel local road;

(b) A series of culs-de-sac, U-shaped roads, or short loops entered from and designed generally at right angles to such a parallel road, with the rear lines of their terminal lots backing onto the arterial or collector road; or

(c) A frontage road.

4-5-2 *No-access strips.* The creation of no-access strips adjacent to a proposed road in such a manner as to deny access from adjacent property to such road shall generally not be permitted. However, in extraordinary circumstances, the Murray County Land Development Officer may allow creation of a no-access strip to enable a more appropriate pattern of lots or roads. A notation to this effect shall be entered upon the final plat or approved as an auxiliary instrument attached thereto.

4-5-3 *Arrangement of continuing and dead-end roads.* Temporary or permanent dead-end roads shall be designed as follows:

(a) *Arrangement of continuing roads.* The arrangement of roads shall provide for the continuation of major roads between adjacent properties when such continuation is necessary for convenient movements of traffic, effective fire protection, efficient

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***State law references—**County road system, O.C.G.A. § 32-4-1; powers and duties regarding roads, O.C.G.A. § 32-4-40 et seq.

provision of utilities, and when such continuation is in accordance with the major road or road plan. If the adjacent property is undeveloped and the road must be a dead-end road temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T- or Y-shaped turnabout shall be provided on all temporary dead-end roads as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal road right-of-way shall revert to abutting property owners whenever the road is continued.

(b) *Dead-end roads.* Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Murray County Land Development Officer for access to adjoining property, its terminus shall normally not be nearer to such boundary than 50 feet. However, the Murray County Land Development Officer may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end road in accordance with the Murray County Road Design and Specifications Requirements.

4-5-4 *Right-of-way and road surface widths.* Minimum right-of-way and road surface widths shall be as follows:

Street Classification	*Minimum Right-of-Way (feet)*	*Minimum Road Surface Width (feet)*	
		With Curb and Gutter	*Without Curb and Gutter****
Local street	50	26*	20
Collector	60	36*	24
Major thoroughfare	**	**	**

* Measured between the back of the curbs.

** As shown on the major thoroughfare plan. Right-of-way usually reserved or dedicated by developer and improved by others.

*** The streets shall be grades to provide at least a four foot shoulder on each side of the road surface. Such shoulders shall have a two percent slope away from the edge of the road surface.

4-5-5 *Curbs.* Curbs are required on all subdivisions of four or more tracts where the average lot width is 135 feet or less and should meet the requirements for curbing in the Murray County Road Design and Specifications Requirements.

4-5-6 *Intersections.* Intersections of new roads in a subdivision shall comply with the following standards:

(a) Roads shall intersect as nearly as possible at right angles. A proposed intersection of two roads at an angle of less than 75 degrees shall not be permitted. An oblique road

should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two roads shall intersect at any one point unless approved by the Murray County Land Development Officer.

(b) Proposed new intersections along one side of an existing road shall coincide, wherever practicable, with any existing intersections on the opposite side of such road. Where roads intersect arterial or collector routes, their alignment shall be continuous as specified in the Murray County Road Design and Specifications Requirements.

(c) Minimum curve radius at the intersection of two local roads shall be specified as indicated in the Murray County Road Design and Specifications Requirements. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

(d) Intersections shall be designed with flat grade wherever practical. In rolling areas, at the approach to an intersection, a leveling area shall be provided as specified in the Murray County Road Design and Specifications Requirements.

4-5-7 *Additional width on existing roads.* In subdivisions that adjoin existing roads, the subdivider shall dedicate additional right-of-way to meet the minimum road width requirements as follows:

(a) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the road.

(b) When the subdivision is located on one side of an existing road, one-half of the required right-of-way measured from the center line of the existing roadway, shall be provided.

4-5-8 *Road names.* Roads, which are extensions of or in alignment with existing named roads, shall bear that name. The names of new roads shall be subject to the approval of the Murray County 911 Director and shall not duplicate or be similar in sound to existing names irrespective of the use of the suffix road, avenue, circle, way, boulevard, drive, place, or court, etc.

4-5-9 *Railroads and limited access highways.* Railroad rights-of-way and limited access highways, where located so as to affect the subdivision of adjoining lands, shall be treated as follows:

(a) In residential areas, a set back at least 25 feet in depth in addition to the normally required depth of the lot shall be required adjacent to a railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated upon the plat: "*This Strip is reserved for set back; the placement of structures hereon is prohibited*"

(b) In manufacturing or commercial areas, the nearest road extending parallel or approximately parallel to the railroad or limited access highway shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth of manufacturing or commercial sites.

(c) Roads parallel to a railroad or limited access highway, when intersecting a road which crosses the railroad at grade, shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4-5-10 *Bridges.* Bridges of primary benefit to the developer/subdivider, as determined by the Murray County Commissioner, shall be constructed at the full expense of the developer/subdivider without reimbursement from Murray County. The sharing of expenses for the construction of bridges not of primary benefit to the developer/subdivider, as determined by the Murray County Commissioner, may be fixed by special agreement between Murray County and the developer/subdivider. The cost shall be pro rated to the developer/subdivider as to the percentage of his development so served. The engineering design of all bridges shall be reviewed and approved by the Murray County Land Development Officer.

4-5-11 *Special purpose roads.*

(a) *Half roads.* Half roads are prohibited. Whenever a road is planned adjacent to the proposed lot or parcel boundary, the entire road right-of-way shall be platted within the proposed subdivision.

(b) *Split-level roads.* Roads, which are constructed so as to have two traffic ways, each at a different level within the same right-of-way, shall provide a minimum right-of-way of 25 feet per traffic way and such additional right-of-way as necessary to meet the requirements of section 4-6-5 [sic] herein above and a minimum paved traffic surface of 15 feet. The slope between the two traffic ways shall be not less than two to one.

4-5-12 *Road name signs.* The developer shall be fully responsible, for the installation of all road name signs, traffic control signs and any other signs as specified in the Murray County Road Design and Specifications Requirements. Installation may be required at any time during development to ensure the safety of all parties involved, as well as the general public.
(Ord. No. 50, Amend. No. 5, 12-5-2006)

4-6. Stormwater drainage.*

4-6-1 The subdivider/developer shall provide adequate stormwater drainage in accordance with these regulations. The subdivider/developer shall also provide for adequate drainage for springs and/or other groundwater drainage.

***State law reference—**Local government stormwater management generally, O.C.G.A. § 12-5-582.

4-6-2 The drainage system for a subdivision, residential, commercial, or manufacturing, shall be designed in accordance with sound engineering principles and procedures such that all salable lots or parcels upon the plat are positively drained.

4-6-3 The drainage system shall be designed to accommodate drainage from adjacent lots or parcels which naturally drain to or through the lands being subdivided. The drainage system shall be designed such that it does not affect the natural drainage onto adjacent parcels unless an agreement is obtained by the developer/subdivider from the owner of such adjacent parcels. A copy of any such agreement shall be submitted to the Murray County Land Development Officer.

4-6-4 Drainage facilities which are designed to accommodate flowing waters shall be hydraulically designed to function when subjected to the maximum flow rate which may be expected to occur no more often than once in a ten-year storm.

4-6-5 Drainage facilities which are designed to handle water accumulations shall be designed to accommodate the maximum water level which may be expected to occur no more often than once in 25-year storm. Necessary drainage facilities including, but not limited to, culverts, rights-of-way, and easements, shall be offered for dedication to Murray County.

4-6-6 All drainage systems discharging into any state waters, including but not limited to wetlands, as determined by the U.S. Army Corps of Engineers, shall pass through an approved best management practices erosion control measures (example: sedimentation and detention ponds) prior to such discharge.

4-6-7 A master drainage plan shall be submitted to the Murray County Land Development Officer simultaneously with the submittal of a construction drawings, at which time technical design criteria will be established.

4-7. Utilities.

4-7-1 *Utilities.* All utilities shall be installed in the back five feet of the road right-of-way. All road crossings shall be in steel casing and back filled with gravel. All utility construction shall comply with the following standards:

(a) Developer costs of on-site sewage management system relative to costs of connecting to existing public system;

(b) Groundwater availability, quality, and pollution susceptibility;

(c) The extent to which additional costs imposed upon the developer for a required connection to existing public system is necessary to promote the health, safety, or general welfare of the general public.

4-7-2 *Water.*

(a) Accessibility. The provision of a public water supply is deemed by the planning commission to be essential to the public welfare in developments where homes will be in close proximity to each other. When a proposed subdivision is not directly adjacent to an area served by a public water supply system, the planning commission

shall determine the accessibility of the nearest system and determine whether the subdivider must make connections. Lands without accessibility to public water supply systems or developments not capable of the provision of an adequate supply of water through an approved system of production, storage, and distribution, capable of providing adequate flow for domestic use and fire protection shall generally be deemed unsuitable for development as a subdivision until such time as this system can be provided.

(b) Water mains properly connected with the applicable water utility district system shall be constructed in such a manner as to serve all lots shown on the subdivision plat for both domestic use and fire protection.

(c) Materials and construction procedures for water mains and connections shall be in accordance with basic requirements of the applicable water district.

(d) Mains of six inches in diameter shall be installed throughout the subdivision; except in the last 500 feet of permanent culs-de-sac, where the water lines must meet the specifications of the governing utility for that situation. Every attempt shall be made to establish a gridiron layout, preferably "looped," with a minimum of dead-end lines. All lines shall meet the specifications of the applicable water utility district.

(e) Fire protection.

(1) If fire protection can be provided at the time of platting, in residential areas fire hydrants shall be placed no more than 1,000 feet of road frontage apart and no more than 500 feet of road frontage from the build line of any lot in the subdivision. In commercial areas fire hydrants shall be no less than 500 feet of road frontage apart. They shall be so located that they will be accessible, protected from traffic hazards, and will not obstruct walks, roadways, or parking facilities.

(2) If fire hydrants are not deemed feasible because of inadequate pressure and flow by the governing water utility at time of platting, then "T's" with caps shall be placed at hydrant locations as specified above. Where a "T" and cap are placed there shall be a valve in the lateral between the road main and the cap. Each "T" and cap shall be marked by a permanent concrete marker.

(3) All fire hydrants shall have two 2½-inch outlets and one outlet to fit large fire department suction hoses.

(4) There shall be a valve in the lateral between the road main and fire hydrant.

4-7-3 *Sanitary sewers and septic tanks.*

(a) Accessibility. When a proposed subdivision is not directly adjacent to an existing public sewer system, the planning commission shall determine the accessibility of the nearest system and determine whether the subdivider must make connections. The planning commission may seek the advice of other government officials, and/or qualified consultants prior to making this determination. In all cases where the

subdivision is within 300 feet of an existing sewer line, and if the city permits them to tie in, connection will be made by the subdivider and a sewer system installed within the subdivision.

(b) Where the planning commission determines that a subdivision does not have to connect to the existing sewerage system, lots must contain adequate area for the installation of approved septic tank(s) and disposal fields as determined by and approved in writing by the Murray County Environmentalist prior to the plat receiving final approval.

(c) The sanitary sewer lines shall be at least eight inches in size and in accordance with the instructions and specifications of the applicable public sewer department and the Georgia Environmental Protection Department, and in such a manner as to serve adequately all lots with connection to the public system.

4-7-4 *Other utilities* (gas, electric, telephone, cable TV, etc.)

(a) Below ground. The Planning Commission shall encourage the complete use of underground utilities wherever practical. These are to be installed in the road right-of-way between the paved roadway and road line to simplify location and repair of lines. The following requirements shall apply: After grading is completed and approved, and before any pavement base is applied, all of the inroad underground work (water, sewer, gas and electric lines and all service connections) shall be completely installed and approved throughout the length of the road and across the flat section. The subdivider should install underground service connections to the property line of each lot within the subdivision for such required utilities before the road is paved.

4-7-5 When a water main is to be located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot before the road base is applied.

4-7-6 *Natural gas.* When natural gas lines are located in a road right-of-way and it will be necessary to cut into the road surface to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to applying the road base.
(Ord. No. 50, Amend. No. 3, 5-3-2005)

4-8. Surety for completion of improvements.

In lieu of the completion of the required improvements previous to the final approval of a plat the Murray County Commissioner of Roads and Revenue may accept a bond or letter of credit, in an amount and with surety and conditions satisfactory to him, providing for the securing to Murray County the actual construction and installation of such improvements, including but not limited to roads, right-of-way, signage, storm drains and utilities costs, as well as the cost of erosion and sediment controls measures necessary to said improvements, within a period specified by the planning commission and expressed in the bond.

4-8-1 *Letter of credit requirements.* The developer shall provide, from a bank or other reputable institution subject to the approval of the Murray County Land Development Officer, a letter of credit using the forms in appendix A. This letter shall be deposited with the Murray County Commissioner and shall certify the following:

(a) That the creditor does guarantee funds in an amount equal to the cost, as estimated by the developer and approved by the Murray County Land Development Officer, of completing all required improvements.

(b) That, in the case of failure on the part of the developer to complete the specified improvements within the required time period, the creditor shall pay to the Murray County Commissioner immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

(c) That the letter of credit may not be withdrawn, or reduced in amount, until released by the Murray County Land Development Officer.

4-8-2 *Time limits.* Prior to the granting of final plat approval, the developer and the Murray County Land Development Officer shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two years from the date of final plat approval. The Murray County Land Development Officer shall have the power to extend that deadline for one additional year where the developer can present substantial reason for doing so.

4-8-3 *Release of guarantee.* Upon acceptance by the appropriate official of the dedication of the final portion of improvements, the Murray County Land Development Officer shall authorize the release of the letter of credit.

Editor's note—Appendix A, referred to in this section, is not printed herein but is on file in the county offices.

4-9. Improvement maintenance security.

4-9-1 *Maintenance required.* The developer/subdivider shall be required to maintain all public improvements in a development for a period of one year from the date of Murray County's acceptance of such infrastructure.

4-9-2 *Maintenance security; form and amount.* The developer shall post with the Murray County Land Development Officer simultaneously with Murray County's acceptance of such infrastructure an irrevocable letter of credit or other acceptable security in an amount equal to ten percent of the total cost of the public improvements. The purpose of the security is to insure faithful maintenance of said installations and improvements by the developer.

4-9-3 *Call for security.* If, upon being notified by the Murray County Land Development Officer of failure of required installations or improvements, the developer/subdivider does not correct the deficiency or commence work within ten days of notice, it shall be deemed to be a failure upon the posted security, and the Murray County Commissioner shall have the right to make the necessary repairs, either by public work or by private contract, and the

surety, cash deposit and/or escrow account aforesaid shall be liable for the full amount of the cost of said repairs. The ten percent security does not indemnify the developer from costs exceeding the ten percent security during the one year maintenance period. Such overages may be collected as provided by law.

4-9-4 *Release of security.* At the end of the one year period of time, the developer may formally petition the Murray County Commissioner to release the security.

ARTICLE V. CONSERVATION SUBDIVISION

5-1. Purpose.

It is the purpose of this ordinance to provide flexibility in ensuring preservation of open space within a master-planned residential development. A conservation subdivision design preserves open space while maintaining the prorated density of residential units for the overall site area. Neutral density is achieved by allowing smaller individual owned residential lots in neighborhoods that are surrounded by aesthetically and ecologically important areas. The goal of the design process is to identify and set aside conservation open space areas prior to the delineation of transportation and residential pod layouts. Open space areas include wetlands, river buffer zones, woodlands, playing fields, and meadows, depending on the resources of the land.

5-1-1 The intent of the conservation subdivision regulations is to:

(a) Preserve significant areas of land for ecological, recreational, and agricultural purposes in perpetuity;

(b) Encourage more efficient development of land consistent with public health, safety, and general welfare;

(c) Afford greater flexibility of design and placement of buildings and structures;

(d) Preserve and protect exceptional terrain, natural beauty, or sites of historic interest from inconsequential placement of homes, roadways, utilities and appurtenances;

(e) Preserve all the streams and tributaries in Murray County as natural resources;

(f) Prevent flooding, erosion, and water pollution, and protect the quality and quantity of drinking water;

(g) Preserve wetlands, aquifers, topographical or soil features, marine and wildlife habitat; and other features having conservation values, including views, vistas, and indigenous vegetation;

(h) Promote a less sprawling form of development.

5-2. Procedure.

Conservation subdivisions are allowed as a permitted right in accordance with the requirements set forth in this section, article 5, of the Murray County Subdivision

Regulations. Also, the conservation subdivision regulation is a floating zone, which is allowed within residential zoning districts in the presence of any land management regulations for Murray County.

5-3. Housing density determination.

The number of lots created shall be density neutral. Density neutral is defined as maintaining the number of lots so as not to exceed the number that can be created with the conventional minimum area and width as established in Murray County Subdivision Regulations and any land management regulations.

5-3-1 *Number of lots.* The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

(a) *Calculation:* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size as determined by the Murray County Environmental Health Department (if septic is needed) or land management regulations for Murray County for a conventional subdivision design plan. In making this calculation, the following shall not be included in the total area of the parcel:

(1) Slopes over 25 percent of at least 5,000 square feet contiguous area.

(2) The 100-year floodplain.

(3) Bodies of open water over 5,000 square feet contiguous area.

(4) Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

(b) *Yield plan:* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan or plat does not have to meet formal requirements for a site design plan or plat, but the design must be capable of being constructed given site features and all applicable regulations.

5-4. Open space.

5-4-1 *Definition.* Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument (see sections 5-4-6 and 5-4-7).

5-4-2 *Standards to determine open space.*

(a) The minimum restricted open space shall comprise at least 40 percent of the gross tract area.

(b) The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

(1) The 100-year floodplain;

(2) Riparian zones of at least 75 foot width along all perennial and intermittent streams;

(3) Slopes above 25 percent of at least 5,000 square feet contiguous area;

(4) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;

(5) Populations of endangered or threatened species, or habitat for such species; and

(6) Archaeological sites, cemeteries and burial grounds.

(c) The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:

(1) Important historic sites;

(2) Existing healthy, native forests of at least one acre contiguous area;

(3) Individual existing healthy trees greater than eight inches caliper, as measured from a distance of five feet from ground level;

(4) Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;

(5) Prime agricultural lands of at least five acres contiguous area; and

(6) Existing trails that connect the tract to neighboring areas.

(d) Aboveground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

(e) At least 25 percent of the open space shall consist of land that is suitable for building.

(f) At least 75 percent of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and nonprotected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(g) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Nonadjoining lots shall be provided with safe, convenient access to the open space.

5-4-3 *Permitted uses of open space.* Uses of open space may include the following.

(a) Conservation of natural, archeological or historical resources;

(b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(c) Walking or bicycle trails, provided they are constructed of porous paving materials;

(d) Passive recreation areas, such as open fields;

(e) Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;

(f) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;

(g) Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of primary conservation areas;

(h) Easements for drainage, access, and underground utility lines; or

(i) Other conservation-oriented uses compatible with the purposes of this ordinance.

5-4-4 *Prohibited uses of open space.*

(a) Golf courses;

(b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;

(c) Agricultural and forestry activities not conducted according to accepted best management practices;

(d) Impoundments; or

(e) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

5-4-5 *Disposition and preservation of open space.* Open space land shall be preserved and maintained solely for the purposes specified in section 5-1. The method for effectuating such preservation and maintenance may be one of the following:

(a) Establishment of a mandatory home owners' association (HOA) to own and maintain the land in common for the open space purposes intended according to the following provisions (see suggestions for the HOA in appendix 5-I):

(1) With their application for a permit to build a conservation subdivision, developers will create and submit minimum requirements and structure for the HOA before the first lot is sold;

(2) The HOA will maintain, pay taxes, and own the open space (In some communities the local government has agreed to maintain the open space.);

(3) Membership in the HOA is mandatory for all homeowners, and dues are uniform; and

(4) The HOA, by law, will stipulate that a third party, such as the local government, may enforce the maintenance of the open space through legally enforceable liens.

(b) Dedication of legally described and platted open space to the Murray County Commissioner or the Murray County Parks and Recreation Authority.

(c) Dedication of legally described and platted open space to a land trust established in compliance with the requirements of Georgia law and shall be for conservation purposes.

5-4-6 *Open space ownership and maintenance.* The commission shall require the owner or owners of open space land to execute, acknowledge, and file in the land records of Murray County, including documents and maps which effectively create a conservation easement or other legal conveyance approved by the county or its designee. These records (see legal considerations in section 5-4-7 and suggestions for open space in appendix 5-I):

(a) Will be binding on all future owners of the open space land;

(b) May be enforced by the adjoining property owners, the Murray County Commissioner, or a land trust by appropriate court action for equitable relief in the form of an injunction;

(c) Will assure appropriate maintenance by the homeowners' association or as otherwise herein provided, of open space land to the satisfaction of the Murray County;

(d) Will provide that if maintenance, preservation, and/or use of the open space land no longer complies with the provisions of the easement, Murray County may take all necessary action to effect compliance and assess the costs against the owners in default; and

(e) Will provide that such easement may not be modified, altered, or amended.

5-4-7 *Legal instrument for permanent protection.*

(a) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following.

(1) A permanent conservation easement in favor of either:

(i) A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

(ii) A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

(2) If the entity accepting the easement is not Murray County, then a third right of enforcement favoring Murray County shall be included in the easement.

(3) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

(4) An equivalent legal tool that provides permanent protection, if approved by Murray County.

(b) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions and permitted uses contained in sections 5-4-3 and 5-4-4, as well as any further restrictions the applicant chooses to place on the use of the open space.

5-4-8 *Septic systems, wells, and storm water management systems.* Easements will allow designated open space to be used for community sewer system drip lines or individual septic system secondary drain lines, wells, and stormwater management structures designed to promote on-site infiltration and/or treatment of runoff.

5-4-9 *Significant structures.* Structures of historic, architectural, or cultural significance existing prior to development of the subdivision may be retained within the open space, subject to approval indicating that these structures are compatible with any Murray land management regulations.

5-5. Road specification.

Design standards for road construction in a conservation subdivision shall be consistent with those set forth in the Murray County Road Design and Specifications Requirements and the flexible standards list in appendix 5-II.

5-5-1 *Road locations.*

(a) Roads should be located in a way that minimizes adverse impacts to primary and secondary conservation areas.

(b) To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15 percent shall be strongly discouraged.

5-6. Locations of building sites.

As long as the number of buildings meet the density neutral criterion set in section 4-3 [5-3] it is intended that developers are given flexible on building locations based on environmental factors and the types of developments the market will bear.

5-6-1 Building locations considerations. The Murray County Land Development Officer shall evaluate the appropriateness of proposed building locations on conceptual preliminary plans or plats to determine whether the proposed locations satisfy considerations listed in appendix 5-III.

5-6-2 Building sites should generally not be any closer than 100 feet from primary conservation areas.

5-6-3 Building sites can be located within 50 feet of secondary conservation areas in order to take advantage of views without negatively impacting primary conservation areas.

5-6-4 Building "footprint" locations may not be changed more than 50 feet from preliminary plat to final plat without the Murray County Land Development Officer approval.

5-7. Appendixes.

APPENDIX 5-I

Suggestions for the home owner's association (HOA):

- At least one member of the HOA should receive training in wildlife habitat conservation, enhancement, and maintenance.
- Each homeowner should be given site specific information about indigenous habitat and diversity of species.
- The HOA should develop a longterm conservation plan for maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners.

APPENDIX 5-II

Suggestions for open space:

- A minimum of ten percent and a maximum of 50 percent should be used for active recreation, such as playing fields or amenity centers (swim/tennis).
- Open space in one development should be linked to open space in adjoining developments to create the largest, continuous area of open space possible.

Suggestions for streets:

- Minimize the number of cul-de-sac streets by providing more than one entrance to the development and interconnect streets as much as possible.
- For cul-de-sac streets, minimize the amount of impervious surface by limiting the internal turning radius to 20 feet and the width of the paved lane to 16 feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the entire area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
- Vegetated swales are encouraged in a conservation subdivision plan as an alternative to curb and gutter. Omit curbs wherever possible. This allows runoff from roofs

and pavements to pass immediately through grass swales or infiltration basins. Use plant material that will absorb rainwater and act as a natural filter for oil and pollution.

- Utilize permeable pavement for street surfaces, driveways, sidewalks, and pedestrian and bike paths, except where steep slopes, swelling soils, and other site-specific constraints make it unfeasible. Examples of permeable pavement used in neighborhood developments include permeable crushed stone aggregate, open-celled pavers, porous asphalt, and porous concrete. Wooden decks, paving stones, and wood mulch are recommended for pedestrian areas.
- Provide marked, paved paths for nonvehicular traffic within the development and connecting to neighboring residential and commercial areas.

APPENDIX 5 - III

EVALUATION CRITERIA FOR BUILDING SITE LOCATIONS

In evaluating the layout of lots and open space, the following criteria will be considered by the Murray County Land Development Officer as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Murray County Land Development Officer shall evaluate proposals to determine whether the proposed conceptual preliminary plan:

1. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the township for essential infrastructure or active or passive recreation amenities).
2. Preserves and maintain mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in [subsections] #5 and #8 below. The second involves predominantly agricultural areas, where remnant trees groups provide the only natural areas for wildlife habitat.
3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby roadside verge or hedgerow).

4. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

5. Designs around existing hedgerows and treelines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than ten percent should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.,) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep "no-build, no-plant" buffer is recommended along the public roadway where those views or vistas are prominent or locally significant.) In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.

7. Avoids sitting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the US Environmental Protection Agency and/or by the Pennsylvania Natural Diversity Inventory.

9. Designs around and preserves sites of historic, archaeological or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.

10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.

11. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.

12. Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby house lots.

13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should

connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

14. Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger contiguous and integrated greenway systems, as per the policies in the open space and recreation element of the township's comprehensive plan.

APPENDIX B

ZONING*

Chapter 1 Land Use Procedures and Standards Ordinance

Sec. 1.0 Preamble and enactment clause.
Sec. 2.0 Definitions.
Sec. 3.0 Adoption of the ordinance.
[Sec.] 4.0 Amendment.
[Sec.] 5.0 Public notice.
[Sec.] 6.0 Public hearing.
[Sec.] 7.0 Conduct of hearings.
[Sec.] 8.0 Land use/conditional use standards.
[Sec.] 9.0 Official action.
[Sec.] 10.0 Distribution.
[Sec.] 11.0 Legal status.

Chapter 2 Land Use District Ordinance

Article I. Title

Article II. Enactment

Article III. Definitions

[Sec.] 3.1 Definitions.

Article IV. General Provisions

[Sec.] 4.1 Use of land.
[Sec.] 4.2 Use of buildings.
[Sec.] 4.3 Location of buildings.

***Editor's note—**Printed herein is the land use procedures and standards ordinance and the land use district ordinance of the city, Ordinance Nos. 52 and 53, as adopted by the Murray County Commission on October 15, 2002 and August 5, 2003, respectively. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross references—Any zoning resolution or ordinance saved from repeal, § 1-14(10); buildings and building construction, ch. 18; telecommunications antennae and tower standards, § 18-176 et seq.; environment, ch. 26; floods, ch. 30; manufactured homes, ch. 38; planning and development, ch. 50; subdivision regulations, app. A.

[Sec.] 4.4 Height of buildings.
[Sec.] 4.5 Minimum space requirements.
[Sec.] 4.6 Temporary buildings.
[Sec.] 4.7 Number of single family detached dwellings per lot.
[Sec.] 4.8 Number of principal buildings per lot.
[Sec.] 4.9 Use of yards.
[Sec.] 4.10 Requirements for building permit.
[Sec.] 4.11 Streets.
[Sec.] 4.12. Use of fences.
[Sec.] 4.13 Halfway house/rehabilitation center.

Article V. Land Use Districts and Boundaries

[Sec.] 5.1 Establishment of districts.
[Sec.] 5.2 District map.
[Sec.] 5.3 District boundaries.

Article VI. District Standards and Permitted Uses

[Sec.] 6.1 District lot area, yard and height standards.
[Sec.] 6.2 Dwelling compatibility standards.
[Sec.] 6.3 Permitted uses.

Article VII. Buffer Requirements

[Sec.] 7.1 Buffer requirements between commercial livestock operations and residential uses.
[Sec.] 7.2 Buffer requirements between residential, commercial and industrial districts.
[Sec.] 7.3 Screening standards.
[Sec.] 7.4 Buffer design.
[Sec.] 7.5 Location of buffers.
[Sec.] 7.6 Variances.
[Sec.] 7.7 Use of buffers.
[Sec.] 7.8 Maintenance.
[Sec.] 7.9 Failure to comply with these provisions.
[Sec.] 7.10 Surety for buffer installation.

Article VIII. Supplementary Regulations

[Sec.] 8.1 Lots of record.
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[Sec.] 8.3 Corner visibility.
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Article IX. Off-Street Parking and Loading

[Sec.] 9.1 Purpose.
[Sec.] 9.2 Off-street parking.

[Sec.] 9.3 Residential parking.
[Sec.] 9.4 Off-street loading and unloading space.

Article X. Non-Conformity

[Sec.] 10.1 Purpose.
[Sec.] 10.2 Non-conforming use.

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[Sec.] 11.1 Enforcement officer.
[Sec.] 11.2 Building permit and manufactured home location permit.
[Sec.] 11.3 Application.
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[Sec.] 11.6 Appeals from decisions.
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[Sec.] 11.9 Records of applications and certificates.

Article XII. Appeals

[Sec.] 12.1 Board of appeals.
[Sec.] 12.2 Powers and duties.
[Sec.] 12.3 Public hearings.
[Sec.] 12.4 Assistance by land development officer.
[Sec.] 12.5 Fees.
[Sec.] 12.6 Appeals from action of the board.

Article XIII. Amendments

[Sec.] 13.1 Amendments.

Article XIV. Remedies and Penalties

[Sec.] 14.1 Remedies.
[Sec.] 14.2 Penalties for violation.

Article XV. Legal Status Provisions

[Sec.] 15.1 Validity.
[Sec.] 15.2 Repeal of conflicting ordinances and validity of prior approvals and actions.

Chapter 1

LAND USE PROCEDURES AND STANDARDS ORDINANCE

An Ordinance of the Murray County, Georgia establishing minimum procedural regulations, notice of public hearings, conduct of public hearings, standards, and factors, governing the land use power of Murray County, Georgia, and repealing all conflicting resolutions, ordinances, and amendments thereto, and for other purposes.

Section 1.0 Preamble and enactment clause.

For the purpose of insuring that due process is afforded to the general public when Murray County, Georgia regulates the use of property through the exercise of land use powers, and pursuant to the authority and mandates of the Constitution of the State of Georgia of 1983, Article IX, Section II, Paragraph IV and Chapter Sixty-Six of Title Thirty-Six of the Official Code of Georgia Annotated (O.C.G.A. § 36-66-1 et seq.), Murray County, Georgia does hereby adopt, order, and enact into law this Ordinance.
(Ord. No. 52, 10-15-2002)

State law references—County zoning authority, Art. IX, § 11, ¶ IV, Georgia Const.; county zoning procedures, O.C.G.A. § 36-66-1 et seq.; authority for coordinated and comprehensive county planning, O.C.G.A. § 36-70-1 et seq.

Section 2.0 Definitions.

When used in this article, the following terms shall have the definitions and meaning hereafter set forth, alphabetically:

Conditional use (special use). A use approved within a land use district, generally considered compatible with the other uses allowed in the district, only after due consideration of objective criteria as applicable to the proposed conditional use.

Land use district. A delineated section or sections of Murray County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Land use decision. The final legislative action by Murray County, which results in:

a) The adoption of a land use ordinance;

b) The adoption of an amendment to a land use ordinance, which changes the text of the land use ordinance;

c) The adoption of an amendment to a land use ordinance which changes property from one land use district to another; or

d) The approval of a conditional use (special use) of property.

Land use regulations. The power of Murray County to provide within its territorial boundaries for the districting of property for various uses and the prohibition of other or

different uses within such land use districts and for the regulation of development and the improvement of real estate within such districts in accordance with the uses of property for which said land use districts were established.

Land use ordinance. An ordinance for Murray County establishing procedures and land use districts within its territorial boundaries, which regulate the uses and development standards of property within such land use districts. The term also includes the land use map (as hereinafter amended) adopted in conjunction with the land use ordinance of Murray County, which shows the land use districts and the classification of property therein.

Local government. The local government of Murray County, which means the Office of the Murray County Commissioner, or equivalent, hereafter, referred to as the Murray County Commission, which exercises land use power within the territorial boundary of Murray County, Georgia.

Planning commission. The Murray County Land Use Planning Commission or any other agency hereafter designated by the governing authority of Murray County which is authorized to investigate any proposal for a land use decision properly coming before it, to conduct any public hearings necessary for the exercise of any land use power, and to provide an advisory recommendation to the governing authority concerning the proposed land use decision.

Territorial boundaries. The unincorporated areas of the Murray County, State of Georgia.
(Ord. No. 52, 10-15-2002)

State law reference—Definitions, O.C.G.A. § 36-66-3

Section 3.0 Adoption of the ordinance.

Initial adoption of this ordinance and the land use ordinance by Murray County, State of Georgia shall occur without presentation to or recommendation by the Murray County Land Use Planning Commission. At least one public hearing shall be held prior to the adoption of this ordinance and/or the land use ordinance by the Murray County Commission and such proceeding shall comply with the following sections of this ordinance:

Section 5.1 regarding written notice;

Section 6.0 regarding public hearings;

Section 7.0 regarding conduct of hearings;

Section 8.0 regarding land use/conditional use standards; and

Section 9.0 regarding official action.
(Ord. No. 52, 10-15-2002)

State law reference—Authority to adopt zoning ordinances, O.C.G.A. § 36-66-2.

[Sec.] 4.0 Amendment.

This ordinance and the land use ordinance of Murray County, Georgia may be amended from time to time subject to the following conditions:

4.1 No Amendment shall become effective unless it shall have been initiated by either the Murray County Commission, the Murray County Land Use Planning Commission, the property owner(s) or an individual who has the owner(s)' power-of-attorney authorizing him/her to act, or a request signed by 60 percent of the property owners who hold not less than 60 percent of the affected land; or a valid conditional use (special use) application for a specific property.

4.2 All proposed land use decisions shall be initiated by an application filed with the Land Development Officer of Murray County on forms provided by Murray County. A standard fee to be set from time to time by the governing authority shall be paid with the application.

(Ord. No. 52, 10-15-2002)

[Sec.] 5.0 Public notice.

Notice of public hearing on a proposed amendment to this ordinance shall be given as hereinafter set forth:

5.1 At least 15, but not more than 45 days prior to the date set for the public hearing, a written notice shall be published in a newspaper of general circulation in Murray County setting forth the time, place, and purpose of the hearing;

5.2 Except for the initial adoption of the Land Use Ordinance, in addition to the requirements of subsection 5.1, if the proposed amendment calls for a land use decision for 1) changing the land use district of property; or 2) review of a conditional (special) use permit, and the proposed amendment is initiated by a person other than the Murray County Commission;

5.2-1 The published notice shall include the location of the property and state the present land use classification of the property (if applicable) and the proposed land use classification of the property (if applicable); and the proposed use requiring a special use (conditional use) review (if applicable); and

5.2-2 A sign shall be placed in a conspicuous location on the property that is the subject of the land use decision setting forth the time, place and purpose of the public hearing, the present land use classification of the property, and the proposed land use classification of the property (if applicable), and (if applicable) the proposed use requiring a special use (conditional use) review. Acts of vandalism or natural occurrences limiting the effectiveness of notice by a sign posted on the property shall not invalidate any proceedings or action taken on the proposed amendment.

(Ord. No. 52, 10-15-2002)

State law reference—Requirement for publication of notice, O.C.G.A. §§ 36-66-4 and 36-66-5.

[Sec.] 6.0 Public hearing.

A public hearing for the initial adoption of this ordinance or the land use ordinance of Murray County shall be held before the Murray County Commission. Public notice shall apply as set forth in section 5.1 and the public hearing shall be conducted as set forth in section 7.0 with the commissioner or his/her delegate conducting the public hearing, as would the chairman of the planning commission or his/her delegate.

After initial adoption, a public hearing on any proposed amendment to this ordinance or the land use ordinance of Murray County or conditional use review shall be held before the planning commission on behalf of the Murray County Commission. A public hearing shall be conducted at the time and place specified by the planning commission and as set forth in the public notice described in section 5.0 of this article. The purpose of such hearing shall be to present to the public the proposed land use amendment, and to receive comments thereon from the public. The planning commission shall consider the proceedings and comments of such hearing, in addition to the applicable land use/conditional use standards in section 8.0 of this ordinance, in making any recommendation on the proposed land use decision. The planning commission shall prescribe the rules of order for its deliberations on matters with which it is charged under this ordinance, and said rules of order shall be consistent with the general requirements and purposes set forth in this ordinance and other laws of the State of Georgia concerning conduct of proceedings of public commissions, bodies, and governmental units.

(Ord. No. 52, 10-15-2002)

State law reference—Requirement to adopt hearing procedure and conduct public hearing, O.C.G.A. §§ 36-66-4 and 36-66-5.

[Sec.] 7.0 Conduct of hearings.

The following policies and procedures shall govern the conduct of public hearings under this ordinance:

7.1 The chairman of the planning commission or his/her delegate on the commission shall open any hearing with an explanation of the purpose of the hearing and a description of the general rules for the conduct of the hearing. The chairman or his/her delegate may describe the authority and role of the planning commission in any land use decision. The chairman or his/her delegate must recognize an individual requesting to be heard on a matter germane to the purpose of the hearing before addressing the planning commission. The chairman or his/her delegate shall chair the hearing and shall determine germaneness of any proposed comment or presentation to the planning commission in the hearing and is authorized to rule any individual or a portion of any presentation out of order if not germane to the published purpose of the hearing. Any person requesting to address the planning commission upon being recognized by the chairman or his/her delegate shall state his name and residence address before proceeding with any comment, remarks, or presentation. Any person addressing the planning commission shall respond to questions of the chairman or any member of the commission. The chairman or

his/her delegate may pre-determine the length of any hearing allotting equal time to proponents and opponents of any proposed land use decision to the extent that there are both proponents and opponents who desire to be heard. The chairman or his/her delegate shall only be required to offer equal time to both proponents and opponents of any proposed land use decision and the fact that equal time is not in fact utilized by either position shall not invalidate any proceedings or action taken on the proposed land use decision. The chairman, however, shall allow a minimum time period to be no less than ten minutes per side for the presentation of data, evidence, and opinion.

7.2 The chairman or his/her delegate shall determine whether any application for land use decision is properly filed and the type of land use decision for which the proposed amendment calls. The chairman or his/her delegate shall confirm the giving of proper public notice of the hearing on the proposed land use decision in accordance with this ordinance.

7.3 The chairman or his/her delegate shall allow the person initiating the proposed land use decision or his/her/its designee to present a description of the proposed land use decision and the reason(s) for initiating the proposed land use decision. A failure of the applicant or his/her representative holding power-of-attorney to be present for the hearing shall result in automatic termination of any proceedings on the land use decision and an adverse recommendation on the land use decision shall be forwarded to the Murray County Commission.

7.4 The chairman or his/her delegate shall enter into the record after the presentation of the applicant or his/her/its representative any written comment, petition, or similar written statement, photographs, or any other evidence received by the planning commission prior to the hearing and the same shall be considered by the Murray County Commission in its analysis, in addition to the relevant land use/conditional use standards in section 8.0 of this ordinance, as applicable.

7.5 The chairman or his/her delegate shall give persons opposed to the proposed land use decision the opportunity to address the Planning Commission.

7.6 The chairman or his/her delegate may alternate the presentations of persons speaking in favor of and opposed to the proposed land use decision beginning with the presentation of the applicant or his/her/its representative, or the chairman or his/her delegate may divide such presentations into blocks of time beginning with proponents of the proposed land use decision, and thereafter moving to the presentations of opponents of the proposed land use decision. Further, the chairman or his/her delegate may direct that proponents and opponents designate one or more spokesperson(s) for presentations of favorable and opposing views of the proposed land use decision. The chairman or his/her delegate may poll the public assemblage at the hearing concerning their concurrence in the remarks of any speaker.

7.7 Any remark amounting to attack on the character or personal integrity of another individual, or comment not factually supportable, or comment in the form of an emotional outburst, shall be non-germane to the purpose of any hearing and may be ruled out of order.

7.8 Upon conclusion of the presentation of persons opposing the proposed land use decision, the chairman or his/her delegate shall afford the person initiating the petition an allotted time to address the planning commission in rebuttal of any issue(s) raised by persons addressing the planning commission in opposition to the proposed land use decision. The chairman or his/her delegate may rule out of order the raising of any new issue(s) in rebuttal unless he deems the raising of such new issues useful to the purposes of the hearing, in which case those persons present and opposing the proposed land use decision shall be allocated an equal amount of time through a spokesperson or otherwise to address such new issue(s).

7.9 When proponents and opponents of the proposed land use decision have been heard in accordance with the foregoing procedures, the chairman or his/her delegate shall declare the public hearing closed. No further public hearing on the proposed land use decision shall be required prior to the final land use decision.

(Ord. No. 52, 10-15-2002; Ord. No. 53, Amend. No. 4, 8-1-2006)

State law reference—Hearing procedures, O.C.G.A. § 36-66-5.

[Sec.] 8.0 Land use/conditional use standards.

Exercise of the land use power of Murray County shall constitute an effort to balance the interest of the community in promoting the public health, safety, morality, or general welfare against the right of property owners to the unrestricted use of their property. The following standards are determined to be relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of the property:

State law reference—Requirement to adopt land use standards, O.C.G.A. § 36-66-5.

8.1 *Land use.*

State law reference—Limitation of covenants restricting land use, O.C.G.A. § 44-5-60.

8.1-1 Whether the proposed land use decision would allow a use that is generally suitable for the site compared to other possible uses and the uses and land use district classification of adjacent and nearby properties;

8.1-2 Whether the proposed land use decision would adversely affect the economic value or the uses of adjacent and nearby properties;

8.1-3 Whether the property to be affected by the proposed land use decision can be used under its current land use district classification;

8.1-4 Whether the proposed land use decision, if adopted, would result in a use, which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities;

8.1-5 Whether the subject property under the proposed land use decision is in conformity with the policies and intent of the adopted Murray County, Chatsworth, and Eton Joint Comprehensive Plan, 1994—2015, as amended;

8.1-6 Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either approval or disapproval of the proposed land use decision.

8.2 The Murray County Commission shall consider any proposed land use decision properly initiated in light of the standards set forth in section 8.0, as applicable. In evaluating the standards set forth in section 8.0, it shall be the policy of Murray County to exercise its land use power in conformity with the policy and intent of the Murray County, Chatsworth, and Eton Joint Comprehensive Plan, 1994—2015 insofar as that plan is current in its application to the specific property that is the subject of the proposed land use decision. It is further the policy of Murray County to exercise the land use power for purposes of assuring the compatibility of the use of adjacent and nearby properties and the preservation of the economic value of adjacent and nearby properties while enabling a reasonable use of all property.

8.3 *Conditional use (special use).* The granting of a conditional use does not constitute a permanent change in land use or use. The conditional use can be forfeited if it does not meet the review criteria. To ameliorate the impact of a conditional use on surrounding property, no conditional use may be granted without special provisions for conditions, criteria, standards, and/or requirements as to the particular use. A permit for a conditional use (special use) shall be approved or denied, provided that due consideration is given to the following objective criteria as applicable to the specific use proposed at the specific site requested:

8.3-1 Whether the proposed use impacts negatively or positively the anticipated volume of traffic flow or pedestrian safety in the vicinity;

8.3-2 Whether the hours and manner of operation of the conditional use (special use) have no adverse effects on other properties/uses in the vicinity;

8.3-3 Whether refuse areas, parking, or loading/service areas on the property will be located or screened to protect other properties in the vicinity from noise, light, glare, or odors;

8.3-4 Whether the height, size, or location on the building or other structures on the property are compatible with the height, size, or location of buildings or other structures on neighboring properties;

8.3-5 Whether the size of the lot is sufficient for the proposed use, accounting for growth opportunity that will not infringe upon the requirements of the land use ordinance nor infringe upon the relationship to surrounding land; and

8.3-6 And satisfying the foregoing criteria, whether the benefits of and need for the proposed use are greater than any possible depreciating effects and damages to the neighboring properties.

(Ord. No. 52, 10-15-2002)

[Sec.] 9.0 Official action.

Consideration of any proposed land use decision properly initiated and subsequent to the public hearing shall be as follows:

9.1 The land development officer/planning staff of Murray County shall make a report of its investigation of the proposed land use decision to the planning commission commenting on the advisability of adopting any proposed land use decision. The report of the land development officer/planning staff shall be in writing addressed to the planning commission. Further, the land development officer/planning staff's report shall provide an evaluation of each of the standards set forth in section 8.1 (or section 8.3, as applicable) and describe how the land development officer/planning staff's advice is considered to be consistent with the exercise of land use power set forth in section 8.2. A summary of the proceedings of the public hearing shall accompany the planning commission's written recommendation to the Murray County Commission.

9.2 Upon conclusion of the public hearing, the planning commission may approve, disapprove, or table the proposed land use decision. The planning commission may recommend and/or the Murray County Commission may amend an application prior to acting thereon: 1) to reduce the size of the area affected by the land use decision; 2) to change the requested land use district to a less intensive or lower density district than the requested land use district; 3) to specify conditions that are deemed relevant to the public interest regarding site plans, ingress/egress, buffers, and infrastructure related to drainage, utilities, traffic, and other matters. The foregoing powers are not in limitation of any other land use powers accorded Murray County under the laws of the State of Georgia. If consideration of the proposed land use decision is tabled, it shall be reconsidered by the planning commission not later than its next regular monthly meeting. If the Planning Commission fails to recommend action on the land use decision in writing within 60 days of the close of the public hearing or the applicant does not agree in writing to an extension of the 60-day time limit, the applicant may take the proposed land use decision to the Murray County Commission without a planning commission recommendation.

Once an application for a land use decision has been filed and the planning commission opens the public hearing, the planning commission may make a recommendation on the proposed land use decision, and the commissioner shall take a final action, regardless that the applicant withdraws the application for the proposed land use decision.

9.3 The authority of the planning commission and land development officer/planning staff in any land use decision shall be advisory only. The Murray County Commission shall await either the planning commission's recommendation or the 60 days referenced in section 9.2 above, prior to making a final land use decision. Any final land use decision shall be made by the Murray County Commission, who shall either approve or disapprove the proposed land use decision. Any approval of a proposed land use decision may be subject to any and all lawful conditions determined by the governing authority that are attached to the ordinance approving the proposed land use decision.

9.4 If the Murray County Commission shall take official action defeating a proposed change in a land use district or disapproving a conditional (special) use on a specific property, the same property may not be considered again for a change of the land use district or conditional (special) use consideration until the expiration of 12 months from the date of the official action of the Murray County Commission.

(Ord. No. 52, 10-15-2002)

[Sec.] 10.0 Distribution.

Copies of this land use procedures and standards ordinance, as amended, shall be printed and copies thereof made available for distribution to the general public in the offices of the County Clerk of Murray County, Georgia. distribution to the general public shall be upon request of a member of the general public who shall be entitled to one copy. The Office of the Commissioner, Murray County, Georgia, is authorized to print copies of this ordinance and any amendments thereto from time to time for purposes of public information.

(Ord. No. 52, 10-15-2002)

[Sec.] 11.0 Legal status.

11.1 *Separability.* Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

11.2 *Repeal of conflicting resolutions and ordinances.* All resolutions and ordinances and parts of resolutions and ordinances in conflict herewith are repealed.

11.3 *Effective date.* This ordinance shall take effect and be enforced from and after its adoption, the public welfare of Murray County, Georgia requiring it.

(Ord. No. 52, 10-15-2002)

Chapter 2

LAND USE DISTRICT ORDINANCE

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ARTICLE I. TITLE

This ordinance shall be known as the Land Use District Ordinance of Murray County, Georgia, regulating the location, height, bulk and size of buildings and other structures; the use of buildings, structures, and land for business, industry, residence, public activities and other purposes; and for dividing the incorporated area into districts for such purposes and establishing boundaries therefore; providing for a board of appeals, defining its power and duties; the method of administration, amendment and enforcement; prescribing penalties for the violation of its provisions; repealing conflicting resolutions; and other matters.
(Ord. No. 53, 8-5-2003)

ARTICLE II. ENACTMENT

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the County may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317—1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of

1989, said standards and procedures were ratified by the Georgia General Assembly, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the "Part Five" Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the state; and

WHEREAS, the Commissioner has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the County's land use regulations; and

WHEREAS, the Commissioner desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Commissioner desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of the county and its citizens;

WHEREAS, the Commissioner desires to promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Commissioner desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Commissioner desires to classify land uses, establish procedures and regulations for the subdivision and development of land, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Commissioner desires to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity; and

WHEREAS, the Commissioner finds that the regulations contained in this resolution are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. Sections 36-66-1 et seq., so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

WHEREAS, the planning commission has considered this matter;

NOW THEREFORE BE IT RESOLVED by the Commissioner, and it is hereby resolved by the authority of the same, that the following or chapters and sections known collectively as the Murray County Land Use District Ordinance is hereby enacted into law.

ADOPTION AND EFFECTIVE DATE

This ordinance is hereby adopted this 5th day of August, 2003, and shall be effective immediately upon its adoption, the public welfare demanding it.

COMMISSIONER _____

ATTEST:

/s/ _____
County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

/s/ _____
County Attorney
(Ord. No. 53, 8-5-2003)

ARTICLE III. DEFINITIONS

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

[Sec.] 3.1 Definitions.

Abandoned property. Wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left abandoned and unprotected from the elements.

Accessory structure. A structure detached from a principle building on the same lot and customarily incidental and subordinate to the principle building. See Figure 1: Accessory Structure.

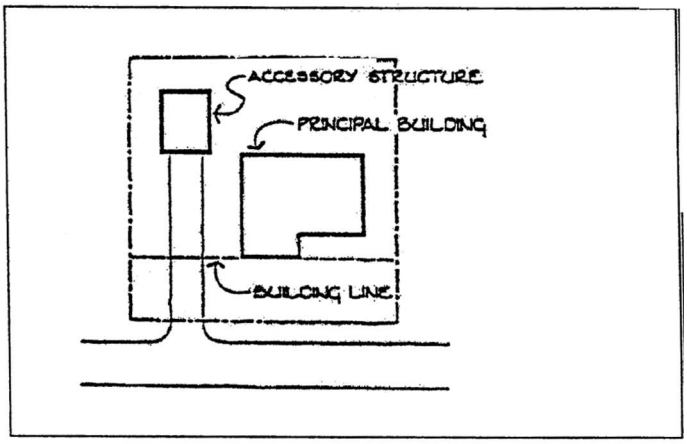

Figure 1: Accessory Structure

Addition. (To an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Agricultural. The commercial cultivation or growth from the land of agronomic, horticultural, floricultural, forestry, dairy, livestock, poultry, and apiarian products.

Agricultural equipment. Agricultural equipment consists of farm field and farmstead machinery used for the production of crops and agricultural livestock, horticulture and landscaping. The following is a nonexhaustive list of examples meeting the above criteria:

Wheel and track-laying agricultural tractors, planting and fertilizing machinery, tillage equipment, fertilizer and chemical application equipment, harvesting machinery, haying and mowing machinery, milking machines and other farm dairy equipment, poultry equipment, barnyard equipment, sprayers and irrigation equipment, grain dryers and blowers, commercial turf and grounds care equipment, wagons, trailers and parts for farm machinery.

Alley. A public thoroughfare which affords only a secondary means of access to abutting property.

Alteration. Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use from that of one district classification to another; or, any movement of a building from one location to another.

Animal Husbandry. The production of animals (livestock) and/or the by-product thereof.

Animal quarters. Any structure which surrounds or is used to shelter, care for, house, feed, exercise, train, exhibit, display or show any animals, other than fenced pasture land for grazing.

Apartment. See "Dwelling, multi-family".

Bed and breakfast home. A single-family dwelling occupied by the owner as his/her principal residence that offers transient lodging accommodations and breakfast for compensation provided that: the rental occupants shall not reside at the bed and breakfast for more [than] seven consecutive days; breakfast is the only meal served and only to registered overnight guests; no person not a resident on the premises is employed; the exterior appearance of the dwelling is not altered from its residential character except for safety purposes; and, the identification sign shall be no larger than two square feet and not internally lighted.

Bed and breakfast inn. A building, not necessarily owner-occupied, that offers transient lodging accommodations and breakfast for four or more guest rooms for compensation provided that:

(1) It complies with the same licensing, inspection and taxation requirements as hotels, motels, and restaurants.

(2) If within a residential district, the building shall be residential in character.

(3) Breakfast is the only meal served and only to overnight guests.

(4) The owner shall provide one off-street parking space for each rental room and one space for each employee.

(5) In a residential district, signage shall be limited to one sign and maximum size of two square feet.

Boarding house. A dwelling, permanently occupied by the owner or operator, where sleeping accommodation and meals served upon the table family style with no provision for cooking in any of the occupied rooms are provided for five or more persons not of the same family by prearrangement for definite periods and for compensation.

Buffer. A portion of a lot set aside for screening or blocking noise, light, glare, visual or other nuisances; to block physical passage to dangerous areas; or to reduce air pollution, dust, dirt, and litter. A buffer may contain a vegetated area or other barriers, such as a berm, wall or fence. See Figure 2: Buffer.

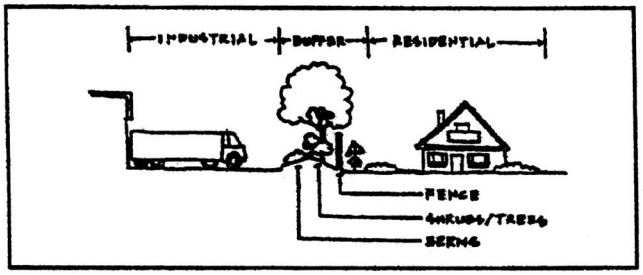

Figure 2: Buffer

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building height. The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between eaves and ridges of a gable, hip, or gambrel roof.

Building setback line. A line establishing the minimum allowable distance between the main or front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into any required yards. For purposes of this ordinance, a building setback line and minimum required yard shall be considered the same. (See setback line.)

Business service establishment. A facility engaged in support functions to establishments operating for a profit on a fee or contract basis, including, but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design, personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, publications and business consulting firms, food catering, interior decorating, and locksmiths.

Caretaker dwelling or employee residence. An accessory single-family dwelling placed on an occupied tract for use by a farm worker or other tract owned by the same owner of the agricultural activity and that is a part of the same farming operation.

Cemetery, private. Any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.

Cemetery, public. A plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.

Cemetery, religious institution. A plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution and used for the burial of deceased persons who are generally members of that religious institution.

Child care facility. A building or portion of a building wherein care and supervision of 19 or more persons away from their place of residence for less than 24 hours per day on a regular basis is provided for compensation and is licensed by the State of Georgia. For children, the outdoor play area shall be enclosed by a fence of not less than four feet in height in the rear yard only. For the purposes of this ordinance, the term "child care" shall include but not be limited to the terms "day care", "nursery school", "early learning center", "pre-kindergarten", "private kindergarten", "play school", and "pre-school".

Child Care home, family. A home occupation which provides care and supervision for six or less persons who are not residents of the premises, by a State of Georgia registered resident adult for less than 24 hours per day on a regular basis for compensation.

Child care center, group. A building or portion of a building wherein care and supervision of seven to 18 persons away from their place of residence for less than 24 hours a day is provided on a regular basis for compensation and is licensed by the State of Georgia.

Church. A religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the Murray County Tax Assessor.

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by one or more physicians or dentists practicing together.

Club, private. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business.

Commissioner. The Murray County Commissioner.

Comprehensive plan. The joint Murray county and cities of Chatsworth and Eton Comprehensive Plan, as adopted and as may be subsequently amended by Murray County.

Conditional uses. A use not ordinarily permitted but which may be permitted upon the imposition of conditions related to the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding lands. Such conditions may include, but are not limited to, restriction on land use; height, setback and other non-use requirements; physical improvements to the property and infrastructure serving the property. A conditional use must be approved as specified in the Murray County Land Use Procedures and Standards Ordinance (Ordinance #52).

Condominium. A building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Confined feeding operation. Confinement of 50 or more animals in buildings or lots with less than 50 percent ground cover for a period of 45 days or more over a 12-month period.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

District. A delineated section or sections of Murray County for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Drive-in. Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

Dwelling. A building which is designed or used exclusively for residential purposes, including single-family, and multi-family buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes but not including hotels and motels.

Dwelling, apartment. See "Dwelling, multi-family".

Dwelling, loft. A dwelling unit located on the floor(s) above a ground level commercial business.

Dwelling, single-family attached. A building containing two or more dwelling units, each of which is deeded with separate ownership and has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term can include fee-simple townhouses and condominiums.

Dwelling, single-family detached. A residential building containing not more than one dwelling unit entirely surrounded by open space. A single-family detached dwelling includes site-built houses, manufactured homes and industrialized homes. All single-family detached dwellings are further defined by compatibility standards as provided in section 6.3.

Dwelling, multi-family. A building designed as two or more separate units for or occupied exclusively by two or more families.

Dwelling unit. One or more rooms located within a building and forming a single habitable unit with individual permanent sanitary and kitchen facilities and is used or intended to be used for living, sleeping, cooking, and eating purposes. Units in motels, or other structures designed for transient residence are not included.

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Event center. A facility used for weddings, anniversaries, birthdays, showers, reunions, recitals, dances, and ethnic and religious celebrations, etc. The accommodations can include sleeping, eating, and recreation. The site shall be of sufficient size to accommodate all off-street parking associated with an individual event.

Existing construction. Any structure for which the "start of construction" commenced before the effective date of this ordinance.

Family. One or more individuals permanently occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, group home, or hotel, as defined in this ordinance.

Farm dwelling. Any residence owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers.

Flea market. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood. A rise in stream flow or stage that results in temporary inundation of the areas adjacent to the channel.

Floor area, gross. The gross heated areas of all floors, measured from the exterior faces of the exterior walls of the building.

Frontage, street. The distance of a lot abuts on a street; the front lot line (See Figure 3: Lot).

Fur farm. Any place that regularly breeds and raises rabbits, mink, foxes or other fur or hide-bearing animals for the harvesting of their skins.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory.

Garage, general service. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or incidental short term storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles, to which repairs are not intended to be made.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Group home. A residence composed of non-related individuals with one or more surrogate parents that function as a singular housekeeping unit. All group homes shall be approved and licensed by the State of Georgia Department of Human Resources.

Halfway house/rehabilitation center. A building for temporary residence by non-related persons, who are recovering from alcohol abuse or other chemical-based substances, or

transitional or conditional release from a correctional facility, or in lieu of incarceration by court order, with one or more surrogate parents that provide services that may include room, meals, supervision, rehabilitation, drug testing and counseling to enable residents to move back into society and live independently.

Hardship. An unusual situation on the part of an individual property owner, which will not permit him/her to enjoy the full utilization of his/her property, which is given to others within the county. A hardship exists only when it is not self-created, or when it is not economic in nature.

Hazardous waste. Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (US EPA) pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

Health department. The Murray County Health Department and/or the Georgia Department of Human Resources.

Health officer. The legally designated health authority of Murray County, or the State of Georgia, or an authorized agent.

Heated floor area. The gross heated living area, measured from the exterior faces of the exterior walls of the building, exclusive of basements, decks, porches, garages, and living areas having clear headroom of less than five feet.

Home occupation. An occupation carried on by an occupant of a dwelling unit as a secondary use, which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the provisions of these regulations.

Horticulture. The cultivation of fruits, vegetables, flowers, and plants.

Impervious surface. A man-made structure or surface, which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Industrialized home. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Building Act", Georgia Law 1982 pp. 1637—1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1).

An industrialized home is a single-family detached dwelling and its placement in a residential district must meet the compatibility standards as provided in section 6.3.

Institution. A public or semi-public building occupied by a governmental entity, non-profit corporation or non-profit establishment for public use.

Junk. Wrecked or inoperative motor vehicle(s), scrap copper, scrap brass, scrap rope, scrap glass, scrap rags, scrap metal, scrap paper, scrap batteries, scrap appliance, scrap beds and bedding, scrap rubber, scrap tires, scrap motor vehicle parts, scrap furniture, scrap wood, scrap building materials, scrap tools or other used materials that have been abandoned from their original use but may or may not be used again in their present form or in a new form.

Junkyard / salvage yard / wrecking yard. A lot, parcel of land, structure, individual, or part thereof, involving the storage, disassembly or processing of wrecked automobiles, trucks, other vehicles, equipment, machinery or commercial/residential appliances. Such uses shall be considered junkyards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to other uses of the premises.

Kennel. Any location where breeding, raising, boarding, caring for, and the keeping of more than three dogs or cats or other small animals or combination thereof (except litters or animals not more than 6 months of age) is carried on for commercial purposes.

Kindergarten. Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public or private school system.

Land-disturbing activity. Any grading, scraping, excavating, or filling of land, clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Livestock. The "livestock" as used herein shall mean and include cattle, horses, goats, sheep, swine, poultry, ducks, geese and other fowl; and rabbits, minks, foxes, and other fur or hide bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

Loading space. A space having a minimum dimension of 13.5 by 60 feet and a vertical clearance of at least 14.5 feet within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lot. A parcel of land separated from other parcels by description (such as on a subdivision plat of record or as a survey map or plat) or by metes and bounds, and intended for use, transfer of ownership, or for building development.

Lot area, minimum. The smallest permitted total horizontal area within the lot lines of a lot. Lot area shall not include any portion of a dedicated right-of-way. Lot size square footage calculations shall exclude any areas reserved for rights-of-way upon which construction is prohibited (i.e., easements for ingress and egress to other lots or properties, major power line transmission easements, etc.). Lot size calculations shall not include strips of property with widths less than the minimum building line dimension of the particular use district intended to provide access to a given lot or parcel; provided, however, land less than the minimum

building width requirements may be considered as part of the square footage lot size calculation in those instances where lots lines are radial to a curved street or cul-de-sac on a subdivision plat approved by the Planning Commission.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, through. A lot other than a corner lot abutting two streets.

Lot of record. A lot which exists prior to the first published notice or subsequent amendment of this ordinance, as shown or described on a plat or deed in the records of the local registry of deeds.

Lot width. The width of the lot at the front building setback line.

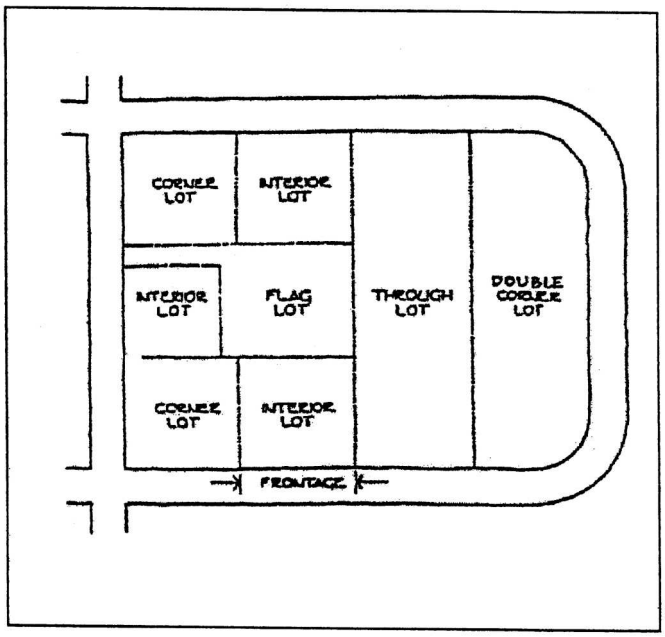

Figure 3: Lot

Manufactured home. A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. The definition at the date of adoption of this part is as follows:

> Manufactured home 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 site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained therein; except that such term shall include

any structure which meets all the requirements and the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development complying with the standards established under this title.

A manufactured home is a single-family detached dwelling and its placement in a residential district must meet the compatibility standards as provided in section 6.2.

Manufactured home/mobile home park. Premises where three or more mobile home/manufactured home dwelling units are parked for living or sleeping purposes, regardless of whether or not a charge is made for such accommodation, or where spaces or lots are set aside and offered for rent for use by mobile homes/manufactured homes for living or sleeping purposes, including any land, building, structure or facility used by occupants of mobile homes/manufactured homes on such premises. This definition shall not include mobile homes/manufactured homes sales lots.

Manure storage structure. A structure, either covered or uncovered, used to store manure from a confined feeding operation, which has walls and a floor constructed of concrete, concrete block, wood, steel, or similar materials.

Mobile home. 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 site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

Mobile office. A factory fabricated structure designed to be transported on its own wheels, detachable wheels, flatbed or trailer and used or intended to be used or occupied for the transportation of business or the rendering of a professional service.

Modular home. See "Industrialized home".

Motel. A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has 80 percent of the rooms occupied by a different registered guest every five days, provides patrons with daily maid service, 24 hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the County Health Department and O.C.G.A. § 31-28-1 et seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

Multi-family dwelling. See "Dwelling, multi-family".

Murray County. A political subdivision of the State of Georgia, which includes its governing authority, the commissioner, any and all departments of the county, and any other agency or entity created by the county.

Neighborhood center. A building or facility used to provide recreational, social, educational and cultural activities for an area of community, which is owned and operated by the

management agency of that community, or the Homeowner's Association of that community. A community can be an incorporated area, a developed subdivision, or a planned development.

New construction. Any structure for which the "start of construction" commenced on or after the effective date of this ordinance.

Non-conforming use. The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the regulations of the district in which it is situated.

Nursery school. See "Kindergarten".

Nursing home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

On-site sewage management system. See "Sewage management system, on-site".

Parking area. An open, unoccupied space used or required for temporary parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted.

Parking lot. An open area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, or sold.

Parking space. A space, enclosed or unenclosed, having an area of not less than 180 square feet (nine ` × 20`) exclusive of access, permanently reserved for the temporary storage of one vehicle and having access to a street or alley.

Permit. Any written authorization for building, construction, alteration, development, occupancy, or other matter required by this ordinance to be approved a designated commission, board, official, or employee. The person to whom such permit is issued shall be known as the "permittee."

Personal care home or *home.* Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. For the purpose of these rules, Personal Care Homes shall be classified as: Family care personal care home, group personal care home, or congregate personal care home. This term does not include buildings, which are devoted to independent living units, which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities, which do not provide personal care.

(1) *"Family personal care home"* means a home for adults in a family type residence, noninstitutional in character, which offers care to two through six persons.

(2) *"Group personal care home"* means a home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven through 15 persons.

(3) *"Congregate Personal Care Home"* means a home for adults, which offers care to 16 or more persons.

Planned center, shopping, office or industrial. Any planned concentration of at least three business establishments, which also provides planned and shared parking, access, and service.

Planning commission. The Murray County Land Use Planning Commission.

Plat. A map, plan or layout of a county, city, town, lot, section, subdivision, or development indicating the location and boundaries of properties.

Premises. A lot, together with all buildings and structures existing thereon.

Principal building. A building in which is conducted the main or principal use of the lot in which said building is situated.

Principal use. The primary purpose for which land or a building is used.

Private land. All lands and buildings not owned by governments.

Producer. The owner or operator of the confined feeding operation.

Putrescible wastes. Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Recorded plat. A plat recorded in the Office of the Clerk of Superior Court of Murray County.

Right-of-way. An area or strip of land, either public or private, on which a right of use has been recorded. A right-of-way, as distinguished from an easement, is owned in fee-simple title by Murray County or other government, a duly organized homeowners' or property owners' association, or any other person.

Right-of-way line. The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.

Rooming house. A dwelling, permanently occupied by the owner or operator, where only sleeping accommodation is provided for five or more permanent occupants not of the same family by prearrangement for definite periods and for compensation and which makes no provision for cooking in any of the occupied rooms.

Service station. Any building, structure, or land use that is primarily used for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, but not including major repair work such as motor overhaul, body and fender repair or spray painting.

Setback. The mean horizontal distance between the front street right-of-way line and the front line of the building or the allowable building lines as defined by the front yard regulations of this ordinance.

Sewage management system, on-site. A sewerage management system other than a public or community sewerage system, serving single or multiple buildings, manufactured or mobile homes, residences or other facilities designed for human occupancy or congregation, as approved by the county board of health.

Sewage treatment system, public or community. Any sewage treatment system, including pipe lines or conduits, pumping station, force mains and all other constructions, devices, and appliances appurtenant thereto, designed for treating or conducting sewerage for treatment and disposal into lakes, streams or other bodies of surface water.

Shopping center. A group of two or more commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Start of construction. Means erection of temporary forms, pouring of slabs or footings, installation of piers or columns; or the actual start of a building or altering a structure either temporary or permanent.

Stockyard. A place where transient cattle, sheep, swine, or horses are kept.

Story. That portion of a building between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Street. A public or private thoroughfare which meets locally established design standards and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, or place.

(1) *Minor or local street.* Street used primarily for access to the abutting properties and serving travel demands in the immediate area.

(2) *Collector.* Those streets so designated on the Georgia D.O.T. Functional Classification System Map, and those streets which otherwise function to serve local traffic movements by collecting or distributing traffic from or to local, other collector, and/or arterial streets.

(3) *Major thoroughfare or arterial.* Those streets so designated on the County Functional Classification System Map and those streets which otherwise function to move high

volumes of traffic between principal traffic generators (such as residential, commercial, and industrial sectors) at moderate speeds and with minimum conflict to movements.

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 buildings, signs, billboards, back stops for tennis courts, fences, radio and water towers, grain and feed elevators.

Townhouse. See "Dwelling, multi-family".

Tree. A woody perennial plant having a single (usually elongate) main stem including but not limited to a shrub or vine of arboreal form.

Water systems.

Public water system. A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections, or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year in accordance with the rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5, "Rules for safe drinking water."

Governmental public water system. A public water system, which is owned and operated by a governmental entity, or a legislatively created authority.

Non-governmental public water system. A public water system, which is owned and operated by any non-governmental entity.

Community water system. A system serving more than one single-family dwelling but fewer than the connections and/or persons required to be considered a public water system. Such systems are subject to approval of the Murray County Health Department.

Individual water supply system. A system of piping, pumps, tanks, or other facilities, which utilizes groundwater to supply a single-family dwelling.

Wild animal. Any living member of the animal kingdom, including those born or raised in captivity; but excluding human beings, livestock, dogs and cats, rodents, hybrid animals that are part wild, captive-bred species of common cage birds and aquarium-kept fish, amphibians and reptiles.

Yard. An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein. See Figure 4: Yard.

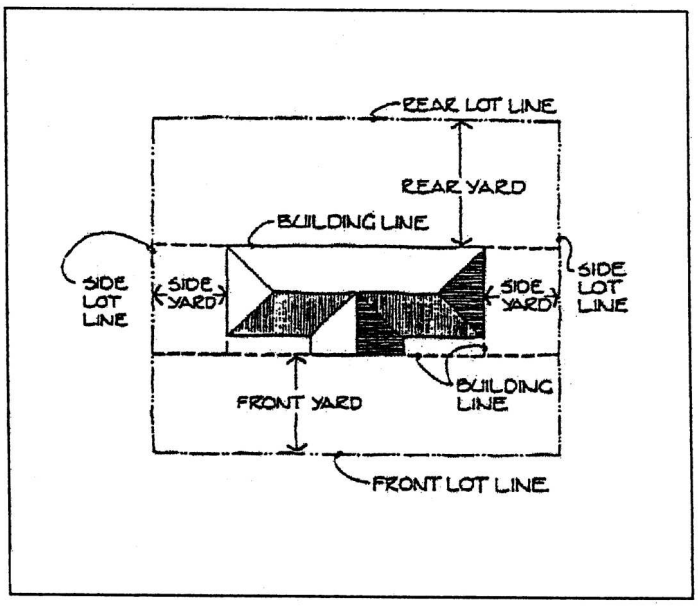

Figure 4: Yard

Yard, front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the right-of-way line and the front line of the building projected to the side lines of the lot.

Yard, rear. An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. See Figure 4: Yard.
(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 1, 12-15-2004; Ord. No. 53, Amend. No. 3, 7-5-2005; Amend. No. 11, § (1), 11-6-2011; Amend. of 7-1-2014; Amend. of 2-1-2016; Amend. of 2-21-2018; Amend. of 11-6-2018(1))

ARTICLE IV. GENERAL PROVISIONS*

[Sec.] 4.1 Use of land.

No land shall be used except for a purpose permitted in the district in which it is located.
(Ord. No. 53, 8-5-2003)

[Sec.] 4.2 Use of buildings.

No building or structure shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which such building or structure is located.
(Ord. No. 53, 8-5-2003)

[Sec.] 4.3 Location of buildings.

Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on a lot as herein defined except as approved by the Board of Appeals under Article 12.
(Ord. No. 53, 8-5-2003)

[Sec.] 4.4 Height of buildings.

No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which such building is located except for the following:

Belfries	Public monuments
Chimneys	Smoke stacks
Church spires	Stage towers or scenery lofts
Conveyors	Tanks
Cooling Towers	Water towers and stand pipes
Elevator Bulkheads	Ornamental towers and spires
Fire towers	Silos
Flag poles	Radio and television towers (125' max.)

(Ord. No. 53, 8-5-2003)

[Sec.] 4.5 Minimum space requirements.

No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum lot area or other space requirements for the district in which such building is located.
(Ord. No. 53, 8-5-2003)

***State law references—**State minimum standards building codes, O.C.G.A. § 8-2-20 et seq., authority for land use regulation for protection of natural resources, environment, etc., O.C.G.A. § 12-2-8; authority to create bodies or agencies for exercise of zoning authority, O.C.G.A. § 36-66-2.

[Sec.] 4.6 Temporary buildings.

Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work or pending completion of a permanent building. Such building shall be used for a period not to exceed one year and shall be removed when the construction of the permanent building is completed.
(Ord. No. 53, 8-5-2003)

[Sec.] 4.7 Number of single family detached dwellings per lot.

No more than one single-family dwelling shall be permitted on a lot in all zone districts except AG. In the AG zone there may be up to four single-family residential dwellings on any parcel of land under single ownership (three plus the owner's dwelling) where the following conditions can be met:

4.7-1 *AG District.*

a. The additional dwellings may be occupied by either blood relatives to the owner of the property and said blood relationships shall extend to but not beyond the second descending and ascending generation, or full time caretaker employees of the property owner who are part of the farming operations and responsible for the agricultural production of the property.

b. No commercial use of the second, third, or fourth dwelling will be allowed and no rental charge can be placed on these residential uses.

c. Individual power supply sources shall be provided to each dwelling and each utility installation shall meet such standards as have been adopted by local authorities.

d. Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the land development officer. In addition the land development officer must approve changes in use or occupancy.

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 1, 12-15-2004)

[Sec.] 4.8 Number of principal buildings per lot.

Except for the following uses, only one principal building, together with its customary accessory buildings, shall be permitted to occupy each lot:

- Single family detached dwellings in the agriculture district as specified in [Sec.] 4.7
- Public/institutional buildings.
- Multiple-family dwellings in the multi-family residential district.
- Commercial/industrial buildings in the neighborhood commercial, highway commercial and industrial districts.

The above provisions shall not be construed to allow the erection of any building or portion of a building outside of the buildable area of the lot or the intermingling of uses.
(Ord. No. 53, 8-5-2003)

[Sec.] 4.9 Use of yards.

The minimum yards, parking spaces and open spaces required for each building existing on the effective date of this appendix, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as part of the yard, parking space or open space required for any other structure, nor shall any lot area be reduced below the lot area per requirements of this appendix for the district in which such lot is located except as otherwise provided in this appendix.
(Ord. No. 53, 8-5-2003)

[Sec.] 4.10 Requirements for building permit.

No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except upon application for and issuance of a building permit by the Building Inspector.
(Ord. No. 53, 8-5-2003)

Authority to require county building permit, O.C.G.A. § 36-13-2; county permitting process for mechanical, plumbing and electrical installations, O.C.G.A. § 48-13-29.

[Sec.] 4.11 Streets.

Traffic control devices. If the traffic to be generated by a use in a non-residential district will demand traffic control devices to insure public safety, the developer shall install such necessary devices. Such determination shall be made by the Murray County Director of Public Works, in consultation with the Georgia Department of Transportation, and approved by the Murray County Commissioner.

State Department of Transportation approval. All entrances or exits of any street or drive, public or private, from or to any State highway, or any planned or in progress Department of Transportation reconstruction projects where the State does not own right-of-way, shall be approved by the State Department of Transportation prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive.
(Ord. No. 53, 8-5-2003)

State law references—Road systems, O.C.G.A. § 32-4-1; powers and duties regarding roads, O.C.G.A. § 32-4-40 et seq.

[Sec.] 4.12. Use of fences.

With the exception of the Agriculture Zone District, the use of agriculture type fencing is prohibited in all other zone districts, except when approved in conjunction with a conditional use as outlined in the Murray County Land Use Standards and Procedures Ordinance.
(Amend. of 7-1-2014)

[Sec.] 4.13 Halfway house/rehabilitation center.

In compliance with O.C.G.A. § 36-66-4, any such halfway house, drug rehabilitation center, or other such facility for the treatment of drug dependency, location or relocation, shall require a public hearing at least six months and not more than nine months prior to the date of final action on any zoning decision (i.e., rezoning, annexation, or conditional use review). A sign posted on the subject property and a published notice shall contain a prominent statement that the proposed zoning decision relates to or will relocate a halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency. The above public hearing is in addition to the public hearing that may be required nearest to making a zoning decision per the requirements of appendix B, land use procedures and standards ordinance, of The Code of Murray County. The latter posted and published notices shall appear at least 15 days and not more than 45 days prior to the date of this public hearing. In either public hearing, the published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.
(Amend. of 7-1-2014)

ARTICLE V. LAND USE DISTRICTS AND BOUNDARIES

[Sec.] 5.1 Establishment of districts.

In order to carry out the intent and purpose of this appendix, unincorporated Murray County is hereby divided into the following districts:

AG	Agricultural
CA	Commercial Agriculture
RR	Rural Residential
SR	Suburban Residential
MFR	Multi-family Residential
MHP	Manufactured Home Park
NC	Neighborhood Commercial
HC	Highway Commercial
I	Industry

5.1-1 *Agricultural (AG).* This zoning district is comprised primarily of open farm land and land used for intensive agricultural, livestock and poultry production and forestry activity. The intent of the regulations is to encourage maintenance of the rural character of openness and discourage the subdivision of land, which is better suited to agricultural and forestry usage. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-2 *Commercial agriculture district (CA).* This district is designed to accommodate a large-scale farming operation geared toward production of crops, livestock and confined feeding operations, for commercial purposes with widespread distribution to wholesalers or retail outlets. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-3 *Rural residential district (RR).* This district is intended to permit a combination of low density residential uses of various types, limited agricultural activities, and other uses commonly found in rural areas. Low density development is required because areas may lack adequate public water and/or environmental constraints such as poor soils and steep slopes are present. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-4 *Suburban residential district (SR).* The purpose of this district is primarily to provide for single family residential development with a limited number of other uses. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-5 *Multi-family residential (MFR).* This district is established as a medium density residential district allowing a minimum of two and a maximum of four dwelling units per lot. Multiple structures per lot shall be permitted in this district. Because of the increased density allowed in this district, any such lots shall be served by public water and shall meet the requirements of the Murray County Health Department for sewage disposal. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-6 *Manufactured home park district (MHP).* This district is designed to encourage the development of manufactured home parks and related facilities within a well-planned environment. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-7 *Neighborhood commercial district (NC).* This district is designed to provide suitable areas for the retailing of goods and the provision of services to adjacent and nearby residential neighborhoods. Permitted and conditional uses shall be as provided in Table 6.4; however, business and service establishments shall not exceed 2,500 square feet in size.

5.1-8 *Highway commercial district (HC).* The purpose of this district is to provide appropriate locations for a wide variety of commercial activities that will serve a large market area. This district will be generally located along the major arterial highways or where these highways meet. Emphasis is also placed on creating commercial nodes or cluster developments rather than strip developments. Permitted and conditional uses shall be as provided in Table 6.4.

5.1-9 *Industrial district (I).* The purpose of this district is to provide suitable areas for warehousing, distribution, manufacturing and other intensive activities of an industrial nature. Permitted and conditional uses shall be as provided in Table 6.4.
(Ord. No. 53, 8-5-2003; Amend. of 11-6-2018(1))

[Sec.] 5.2 District map.

The boundaries of the land use districts are shown on the map designated as the "Official Land Use District Map." This map and all notations, references, and other information shown thereon are a part of this appendix and have the same force and effect as if the district map and all the notations, references and other information shown thereon were fully set forth and described herein, which district map is properly attested and is on file with the Murray County Clerk.
(Ord. No. 53, 8-5-2003)

[Sec.] 5.3 District boundaries.

5.3-1 The district boundaries shown on the district map are generally intended to follow streets, alleys, or lot lines; where the districts designated on said map are bounded by such street, alley or lot line, the centerline of the street or alley or the lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the Land Use District Map.

5.3-2 When the boundary line of a district divides a lot or tract held in single ownership at the time of adoption of this ordinance, the boundary line may be allowed to extend a distance of not more than 50 feet to the least restricted land use district.

5.3-3 Upon initial adoption of this land use district ordinance, properties held in single ownership that contain more than one principal use will be considered for land use district designations appropriate for acknowledging the existing use(s) or in cases the where uses do not currently exist. Appropriate land use district designations will be considered for all or portions of property when such boundaries are consistent with the adopted Comprehensive Plan, Future Land Use Map. The existence of principal uses and the area assigned to such use shall be based upon objective physical evidence of separate actual uses of the parcel present at the site at which it occurs. Any disputes regarding actual principal uses shall be resolved pursuant to the procedures set forth in the Land Use Procedures and Standards Ordinance of Murray County for the redistricting of property.
(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 2, 5-3-2005)

ARTICLE VI. DISTRICT STANDARDS AND PERMITTED USES

[Sec.] 6.1 District lot area, yard and height standards.

The requirements regarding lot size, building size, and building placement on the lot for each district shall be met as indicated in Article 4: General Provisions, and Table 6.1: District Area, Yard, and Height Requirements.

Table 6.1: District Area Yard and Height Requirements

Land Use District	*Minimum Lot Area*	*Minimum lot width at setback line (feet)*	*Front Yard (feet) from arterial and collector/ local street*	*Side Yard (feet)*	*Rear Yard (feet)*	*Max. Building Height (feet)*
AG Agricultural	5 acres	225	40/25	50	50	40
CA Commercial Agriculture	25 acres	See Article VIII for additional setback requirements and conditions	40	40	40	40
RR Rural Residential	1 Acre	150	40/25	15	20	40
SR Suburban Residential	Single Family: See Table 6.2	125	40/25	10	20	40
	Duplexes: See Table 6.2	150	40/25	10	20	40
	All Other uses: 30,000 sq. ft.	150	40/25	15	20	40
MFR Multi-Family Residential	Multi-family See Table 6.2	150	40/25	20	20	40
	All Other uses: 30,000 sq. ft.	150	40/25	15	20	40
MHP Manufactured Home Park	—-See County Manufactured Home Ordinance for Requirements—-					
NC Neighborhood Commercial	None—Subject to approval of Health Dept.	None	40/25	15	20	40
hc Highway Commercial	None—Subject to approval of Health Dept.	None	40/25	15	20	40
I Industry	None—Subject to approval of Health Dept.	None	40/25	20	20	75

(Amend. of 6-5-2018(1); Amend. of 11-6-2018(1))

Table 6.2

Subdivision Lot Sizing

To provide for the orderly and safe development of property utilizing on-site sewage management systems, minimum lot sizes have been established. Larger lot sizes may be required to meet the requirements of this rule depending on the proposed development of the property. County zoning authorities may require larger minimum lot sizes; the larger minimum lot sizes will take precedence.

1. Lot sizing requirements are as follows for single family dwellings such as mobile homes, stick built homes, modular homes, etc. On individual lots in subdivisions and residential lots at large in the county.

Minimum (Min.) Lot Sizes, and Maximum (Max.) allowable Sewage Flow with Types of Water Supply System.

Minimum Lot Sizes for Single Family Residential Use, In Square Feet, Utilizing Individual Sewage Management Systems and Individual Water Systems

			SOIL GROUPINGS			
Slope Class	Slope %	15—10MPI	211—30MPI	331—60MPI	461—90MPI	591—120MPI
A, B	0—5	52,000	52,000	52,000	52,000	1.5 acres
C	5—15	52,000	52,000	52,000	52,000	1.5 acres
D	15—25	1.5 acres	1.5 acres	1.5 acres	1.5 acres	1.5 acres
E	25—35	2 acres	2 acres	2 acres	2 acres	2 acres
F***	35	2 acres	2 acres	2 acres	2 acres	2 acres

***Slope over 35 percent cannot be utilized for individual sewage disposal systems except in cases where special studies submitted by a Registered Engineer show that site modifications can overcome slope limitations. Said studies must meet current state guidelines.

A. The above minimum lot sizes are for the typical size home (three bedroom) with basic appurtenances such as: driveway, minimum number of trees, and water supply line. For each additional bedroom over three, a minimum of 3,000 square feet per bedroom of useable soils area (suitable for use for an individual onsite sewage management system) shall be provided for installation of the individual sewage management system. At a minimum, 50 percent of the platted lot shall be useable soils exclusive of the building site, drive, right-of-way, easements and buffers; when served by public/community water, 30 percent when served by individual wells.

B. The County Board of Health will also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the

availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, need for subsurface drainage or adverse topographic features or landscape position.

C. Lots shall be a minimum width of 125 feet or 150 feet (single-family dwellings and duplexes—125 feet, multi-family—150 feet) in the area where an approved on-site sewage management system and replacement system are to be located.

1. Where on-site sewage management systems and community or public water are used, minimum lot sizes may be reduced by up to 50 percent. However, no lot should be less than 30,000 square feet. No lot size reduction will be allowed on slopes of greater than 35 percent.

2. The total area encompassed by the access easement or "panhandle" shall not be included in computing the functional area of the lot for sewage disposal purposes.*

3. Lots utilizing drip emitter systems shall be a minimum of one and one-half acres.

4. The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gallons/acre/day when served by non-public or individual water supply or 1,200 gallons/acre/day when served by a public water/common supply system. When sewage flows exceed these quantities (600 or 1,200 gallons/acre/day as indicated) for a given structure, the minimum lot size or parcel of land shall increased proportionally. All lots must have sufficient unobstructed land area for an approved on-site sewage management system and approved complete replacement system. Lots platted before the adoption of these rules and regulations which do not meet the minimum lot size may be approved provided there is sufficient area available to locate the proposed structure, on-site sewage disposal system, and other appurtenances and the complete replacement of the on-site sewage management system.

D. For multi-family units (i.e. Duplexes, apartments, etc.) lot size shall be increased by 25 percent for each unit above the initial unit.

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 2, 5-3-2005)

[Sec.] 6.2 Dwelling compatibility standards.

All single family detached dwellings including site-built homes, industrialized homes, and manufactured homes must comply with the compatibility standards of the Land Use District where they are proposed to be located. When a building permit is sought, the land development officer shall make a determination if the proposed dwelling meets the compatibility criteria for the type allowed in the land use district as shown in Table 6.3.

*__Note—__Except allowed by Section 4.7

If the land development officer finds that the proposed dwelling meets the compatibility criteria, approval of the building permit will be granted. Those who disagree with the land development officer's findings may appeal the decision through the board of appeals as described in article XII.

Table 6.3:
Compatibility Standards for
Single-Family Detached Dwellings

MINIMUM REQUIREMENTS	*TYPE 1 DWELLINGS*	*TYPE 2 DWELLINGS*	*TYPE 3 DWELLINGS*
Heated Floor Area:	1,200 square feet	864 square feet	576 square feet
Foundation:	Must be attached to a permanent foundation per Building Codes. The structure cannot be built upon a frame and must have outside load bearing walls.	Must be attached to permanent foundation per Building Codes.	Permanent foundation not required, but must be installed on an approved pier system, and secured with approved tie-down devices.
Hitches, wheels, axles and other towing devices:	If present, must be removed.	If present, must be removed.	If present, do not have to be removed, but the space beneath the floor shall be fully enclosed except for ventilation and access openings. Enclosing materials shall be approved by the Zoning Administrator.
Entry ways and landing areas:	Must be similar to houses within 500 feet in the same Land Use District.	Must be similar to houses within 500 feet in the same Land Use District.	At each exterior door, there must be an entry way/landing area that is at least 36" by 48".
Minimum Roof Pitch:	5/12	None	None
Roof Materials:	Must be of wood shakes, wood or asphalt composition shingles, standing seam metal, or other materials similar to houses within 500 feet in the same Zone District.	Must be of wood shakes, wood or asphalt composition shingles, standing seam metal, or other materials similar to houses within 500 feet in the same Zone District.	Must conform to June 15, 1976 National Manufactured Home Construction and Safety Standards.
External Siding Materials:	Must be of brick, stucco, wood, masonite, metal or vinyl lap siding or other materials similar to houses within 500 feet in the same Zone District.	Must be of brick, wood, stucco, masonite, metal or vinyl lap siding or other materials similar to houses within 500 feet in the same Zone District.	Must conform to June 15, 1976 National Manufactured Home Construction and Safety Standards.

(Ord. No. 53, 8-5-2003)

[Sec.] 6.3 Permitted uses.

Permitted and conditional uses shall be as provided in Table 6.4. Each use is mutually exclusive and does not encompass other uses listed in the table. A use denoted by the letter "X" means it is permitted outright. A use denoted by the letter "C" is permitted only if approval is granted by the Murray County Commission subject to the Murray County Land Use Procedures and Standards Ordinance, (Ordinance No. 52). A blank space means it is not permitted. For uses not included on this list and where the land development officer is unable to determine clear placement, application shall be made to the board of appeals for interpretation.

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 1, 12-15-2004)

Table 6.4:
PERMITTED USES

	LAND USE DISTRICTS								
PERMITTED USES	*AG*	*CA*	*RR*	*SR*	*MFR*	*MHP*	*NC*	*HC*	*I*
Accessory Uses—Subject to the requirements of Sec. 8.4—Supplementary Regulations.	X		X	X	X	X	X	X	X
Acid Manufacture									C
Adult Business—Provided that they meet all the requirements of the County Ordinance for Licensing and Regulation of Adult Businesses.								C	
Advertising Display, Sales and Manufacturing									X
Agricultural and Agriculturally related Equipment Sales, Supply and Storage.	X						X	X	X
Ambulance Services								X	X
Amusement Park/Outdoor Entertainment—Provided that any such development shall operate only vehicles and/or power generating equipment with adequate muffler devices, unless the affected property owner(s) waive the provision, in writing. Permanent sanitary facilities are required and must be approved by the health department.	C						C	C	X
Animal Shelter	C						C	C	C
Antique Shop			C				X	X	
Apparel and Accessory Store							X	X	
Appliance Sales and Repair							X	X	
Art Gallery							X	X	
Athletic/Health Club and Facilities								X	X
Auditorium, Assembly Hall, Civic Center, Event Center and other places of assembly	C							X	X
Auto/Motor Vehicle Race Track—Provided that facilities are not located closer than 1000 feet to a residential district.								C	X
Automobile and Truck Sales, Service and Repair								X	X
Automobile Repair and Body Shop								X	X
Bait and Tackle Shop							X	X	
Bakery/Pastry Shop							X	X	
Bank or Financial Institution, Full Service								X	X
Bank, AutoTeller							X	X	X

	LAND USE DISTRICTS								
PERMITTED USES	*AG*	*CA*	*RR*	*SR*	*MFR*	*MHP*	*NC*	*HC*	*I*
Bar, Cocktail Lounge, Tavern, Night Club								X	
Barber Shop			C				X	X	
Baseball Batting Cages								X	X
Beauty Shop			C				X	X	
Bed and Breakfast Home	X		X	C			X	X	
Bed and Breakfast Inn	X		C				X	X	
Boat Storage								X	X
Boat Sales, Service and Repair								X	X
Books, Cards and Stationary Store							X	X	
Bottle Gas, Storage and Distribution Center								X	X
Bottling Plant									X
Bowling Alley								X	
Builder Supplies and Storage								X	X
Building Materials Sales, Supplies and Storage								X	X
Bus Station								X	
Business Service Establishments							X	X	X
Car Wash—Manual or Automatic								X	X
Caretaker Dwelling or Employee Residence: An accessory single family dwelling placed on an occupied tract for use by a farm worker (See Article 4).	X								
Carpet and Rug Sales, Floor Covering and Storage								X	X
Cement, Lime Gypsum Manufacture									C
Cemetery, Private	C		C	C	C	C	C	C	C
Cemetery, Religious Institution	C		C	C	C	C	C	C	C
Cemetery, Public	C		C	C	C	C	C	C	C
Child Care Center, Group (7 to 18 children)	C		C	C	C	C	X	X	
Child Care Facility (19 or more children)	C		C	C	C	C	X	X	
Child Care Home, Family (6 or less children)	X		X	C	X	X	X	X	X
Churches	X		X	C	C	C	X	C	X
Cinema, Movie Theater								X	
Clinic, Public or Private							X	X	
Clubs and Lodges							X	X	
College, University or Junior College								X	X
Concrete/Stone Cutting, Fabrication									X
Contractor Equipment—Material Storage								X	X
Convenience Stores without Fuel Pump Service							X	X	X
Convenience Stores with Fuel Pump Service—Provided that all fuel pumps shall be at least 15 feet from the street right of way.							X	X	X
Convent and Monastery	X		C						
Crematorium								C	X
Curio and Souvenir Shops							X	X	
Drug Stores, Pharmacies							X	X	
Dwelling, Multi-Family/Townhouse			C	C	X		C	C	
Dwelling, Single-Family Detached—Type I (See Section 6.3)	X		X	X					

	LAND USE DISTRICTS								
PERMITTED USES	*AG*	*CA*	*RR*	*SR*	*MFR*	*MHP*	*NC*	*HC*	*I*
Dwelling, Single-Family Detached—Type II (See Section 6.3)	X		X			X			
Dwelling, Single-Family Detached—Type III (See Section 6.3)	X					X			
Dwelling, Loft—Providing each dwelling has a private entry door accessible by an interior or exterior stairway to the ground floor, individual heating and cooling facilities, two off-street parking spaces per dwelling, and meet all other county housing and building codes.							X	X	
Dwelling, Condominium			C	C	X		X	X	
Equipment Rental, Industrial								X	X
Equipment Supplies (Business/Industrial)								X	X
Explosive Manufacture									C
Farmers's Market—Provided that permanent sanitary facilities are permitted by applicable authority, no overnight camping on the property is permitted and such use shall be located on a major or minor collector street only.	C		X				C	C	X
Farming, Crop Production	X		X						
Farming, Horticulture for Commercial Use. The growing of flowers, shrubs, fruits, tree nuts and vegetables—Provided that any structure, including but not limited to, greenhouse, processing, packaging, storage, warehouse, or office, used in such processing is not located closer than 50 feet to any property line.	C		C				C	C	C
Feed Mill, Seed Mill Production and Packing—Provided that any structure for such processing is located no closer than 100 feet to any property line.	X		C						X
Flea Market								X	X
Florist Shop							X	X	
Funeral Home, Mortuary								X	
Furniture, Home Furnishing and Equipment Store								X	
Game Room, Arcade								X	
Garden, Landscaping Supplies							X	X	X
Gasoline Station w/Auto Service—Provided that all fuel pumps shall be at least 15 feet from the street right-of-way.							X	X	X
Golf Courses and Club Houses	C		C	C	C	C	C	X	X
Golf Driving Range	C		C					X	X
Government Buildings	X		C	C			X	X	X
Grocery/General Merchandise Store							X	X	
Halfway House/Rehabilitation Center (See Section 4.13)								X	
Hardware, Paint and Wallpaper Store								X	
Hazardous Wastes Handling and Processing									C
Hobby, Toy and Game Store								X	
Home Occupation—Subject to Supplementary Regulations, Article 8.	X		X	X	X	X	X	X	X
Hospital, Health and Medical Institution								X	
Hotel								X	

	LAND USE DISTRICTS								
PERMITTED USES	*AG*	*CA*	*RR*	*SR*	*MFR*	*MHP*	*NC*	*HC*	*I*
Ice, Manufacturing and Sales									X
Jewelry Store								X	
Junk Yard, Salvage Yard, Wrecking Yard									C
Kennel—Provided structures housing animals are no closer than 100 feet from adjoining property lines.	C		C	C				C	
Laboratory Research Facilities								X	X
Landfill/Hazardous Waste Facility									C
Laundry, Commercial Services								X	X
Laundry, Pick-up and Dry Clean Services			X				X	X	X
Laundry, Coin-Operated					C		X	X	
Library				C			X	X	
Liquor/Beer/Wine Package Store							C	X	
Livestock—Raising of 50 animals or less—Provided that all structures used for housing or feeding livestock shall be at least 100 feet from adjoining properties zoned RR, SR and MHP.	X		C	C					X
Livestock—Commercial operations of more than 50 animals including livestock grazing, dairies, stock yards, feed lots, fowl raising, egg production, animal breeding and boarding, fowl hatcheries, fur farms and animal waste facilities—Providing that all structures, meet the buffer requirements found in Article 7.		X							
Livestock Sales or Auction Facilities—Provided that all structure for feeding or housing animals shall be no closer than 100 feet to any properties zoned RR, SR, and MHP and adequate off-street parking shall be provided for livestock trailers, recreational trailers, etc.	X		C						X
Machine Shop, Fabrication, Welding, Sales								X	X
Machinery Sales, Service and Repair								X	X
Manufactured Home Sales and Service								X	X
Manufacturing Establishment involving the mechanical or chemical conversion of raw materials into semi-finished or finished products.									X
Manufacturing Establishments involving only the assembly of pre-manufactured component parts.								X	X
Meat Pack and Processing, Slaughter Yards	C								X
Mineral Extraction and Processing									X
Mini-Warehouse (Self-Service Storage Facility)	C		C		C		X	X	X
Miniature Golf Game								X	
Motel								X	
Museum							X	X	X
Neighborhood Center—Provided that a site plan is approved by the County Commission to assure compatibility with the neighborhood in which it is located.	C		C	C	C	C			
Nursery/Green House—(Retail) Provided that no structure shall be located closer than 100 feet to any adjoining residential property.	X		C				X	X	X
Nursery/Green House—(Wholesale) Provided that no structure shall be located closer than 100 feet to any adjoining residential property.	X		C						

	LAND USE DISTRICTS								
PERMITTED USES	*AG*	*CA*	*RR*	*SR*	*MFR*	*MHP*	*NC*	*HC*	*I*
Office, Business and Professional							X	X	X
Office Supplies								X	X
Paper or Paper Pulp Manufacture									X
Parking Lot or Garage, Commercial								X	X
Parks and Recreational Facilities	X		X	C	C	C	C	C	X
Paving, Concrete and Asphalt Plant									X
Personal Care Home, Family (2 through 6 persons)	X		X	C			X	X	
Personal Care Home, Group (7 through 15 persons)	C		C				X	X	
Personal Care Home, Congregate (16 or more persons)	C		C				X	X	
Pet Shop and Dog Grooming Shop							X	X	
Petroleum Products, Bulk Storage Tank									X
Print Shop								X	X
Printing, Publishing and Sampling								X	X
Produce Stand—Provided that such stand is used only for selling products grown or produced by the owners of the premise.	X		X						
Railroad Station								X	X
Recycling Center (w/processing facilities)								C	C
Recycling Collection Station	C	C	C	C	C	C	C	C	C
Refining of Petroleum Products									X
Repair Service, General Merchandise								X	
Repair Service (Heavy Equipment) and Trade Shop								X	X
Restaurant—Drive in								X	
Restaurant—Non drive in							X	X	
Retail Stores offering common merchandise								X	
Riding Stables and Academies	X		C						
Rooming and Boardinghouse			C					X	
RV Park. Campground—Subject to County Ordinance for Recreational Vehicle Parks and Campgrounds, as may be amended.	C		C					C	
Saw Mill, Lumber Yard, Bio Energy Processing Facility	X		C						X
Saw Mill, Temporary or Portable	X		C						X
School, Public, Private or Parochial	X		X	C			X	X	X
Sewage Treatment Facilities, Public or Private	C		C	C	C	C			X
Shoe Repair								X	
Shooting Gallery, Indoor								X	X
Shopping Center								X	
Storage Yard, Equipment								C	X
Storage Warehouse								X	X
Studio for Art, Photography and Similar Uses							X	X	
Swimming Pools, Commercial			C			C		X	
Taxidermy							X	X	X

	LAND USE DISTRICTS								
PERMITTED USES	*AG*	*CA*	*RR*	*SR*	*MFR*	*MHP*	*NC*	*HC*	*I*
Timber—Commercial Harvesting—To qualify as a commercial timber tract the tract must be under an approved forestry management plan per the Georgia Forestry Commission.)	X		X						
Tire Sales and Service								X	X
Towers, Telecommunications	C		C	C	C	C	C	C	C
Transfer Station, Solid Waste									
Truck Terminals, Freight Handling									X
Utility Facilities (gas, electric, telephone, transformer stations, water control facility)—Subject to Supplemental Use Regulations in Article VIII.	C	C	C	C	C	C	C	C	C
Veterinary Clinic/Animal Hospital/Grooming House	C						X	X	
Video Sales and Rental							X	X	
Vocational School			C					X	X
Water Treatment Facilities			C		C				X
Wholesale Trade/Warehouse/Distribution Facilities									X
Wrecker Services, Temporary Storage								X	

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 1, 12-15-2004; Ord. No. 53, Amend. No. 5, 12-5-2006; Ord. No. 53, Amend. No. 6, 3-3-2009; Ord. No. 53, Amend. No. 7, 12-1-2009; Amend. No. 9, 7-5-2011; Amend. No. 11, §§ (2), (3), 11-6-2011; Amend. of 7-1-2014; Amend. of 2-1-2016; Amend. of 2-21-2018; Amend. of 6-5-2018(1); Amend. of 6-5-2018(2); Amend. of 6-5-2018(4); Amend. of 6-5-2018(5); Amend. of 11-6-2018(1))

Note—After the initial adoption of this land use district ordinance thru December 31, 2004, it is determined by the land development officer that a parcel of property was not designated to the correct land use district, due to improper or out-dated information, he/she may at their discretion designate said parcel to the appropriate land use district.

ARTICLE VII. BUFFER REQUIREMENTS

To minimize future potential conflicts between non-compatible land uses and to protect the health, safety, and general welfare, a buffer shall be required whenever two adjoining properties are in different land use districts as shown in the following Table 7.1.

TABLE 7.1
BUFFER REQUIREMENTS BETWEEN LAND USE DISTRICTS

Least Intensive District. . . . . .Most Intensive District

	AG Agriculture	**CA** Commercial Agriculture	**RR** Rural Residential	**SR** Suburban Residential	**MFR** Multi-Family Residential	**MHP** Manufactured Home Park	**NC** Neighborhood Commercial	**HC** Highway Commercial	**I** Industry
AG Agriculture									
CA Commercial Agriculture			Buffer 7.1	Buffer 7.1	Buffer 7.1	Buffer 7.1	Buffer 7.1	Buffer 7.1	Buffer 7.1

	AG Agriculture	**CA** Commercial Agriculture	**RR** Rural Residential	**SR** Suburban Residential	**MFR** Multi-Family Residential	**MHP** Manufactured Home Park	**NC** Neighbor-hood Com-mercial	**HC** Highway Commercial	**I** Industry
RR Rural Residential					Buffer B	Buffer B	Buffer A	Buffer B	Buffer B
SR Suburban Residential					Buffer B	Buffer B	Buffer A	Buffer B	Buffer B
MFR Multi-Family Residential					Buffer A	Buffer A	Buffer A	Buffer B	Buffer B
MHP Manufactured Home Park					Buffer A	Buffer A	Buffer A	Buffer B	Buffer B

(Ord. No. 53, 8-5-2003; Amend. of 11-6-2018(1))

[Sec.] 7.1 Buffer requirements between commercial livestock operations and residential uses.

When a property located within the Commercial Agriculture District proposes to engage in commercial livestock operations adjacent to properties located within the Rural Residential, Suburban Residential, Multi-Family, Manufactured Home Park, Neighborhood Commercial, Highway Commercial and Industrial land use districts, or if properties located within these districts propose to develop adjacent to commercial livestock operations, either property or both properties (when both are initially undeveloped) will be subject to a 500-foot building or use setback including a 150-foot vegetated buffer from all adjoining property lines, regardless of land use district, as outlined in sections 7.4 and 7.5. This vegetative buffer shall extend along the entire portion of the property line abutting the commercial livestock facilities plus 50 feet in each direction beyond the facilities as shown in the following illustration. The use of existing vegetation is encouraged.

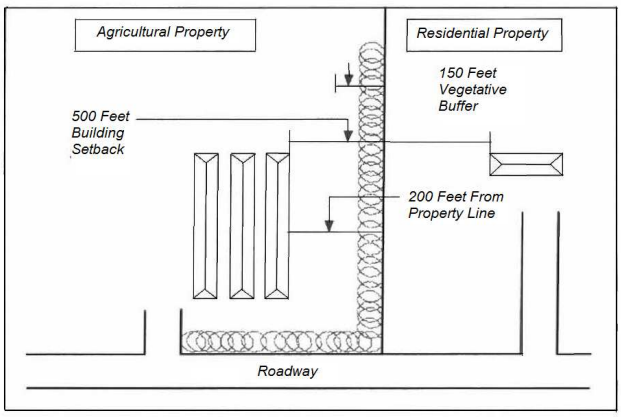

Illustration of Vegetative Buffer

(Ord. No. 53, 8-5-2003; Amend. of 8-1-2006(3); Amend. of 11-6-2018(1))

[Sec.] 7.2 Buffer requirements between residential, commercial and industrial districts.

When two adjoining properties are in different land use districts, the property within the more intensive district is required to provide the buffer type as indicated in Table 7.1 when acquiring a building permit unless the buffer was pre-existing. When two adjoining vacant parcels are in different zone districts as indicated in Table 7.1, no buffer is required when the parcel in the less intensive district acquires a building permit.

Type A buffer requirement. The required buffer shall have not less than a 12-foot width and shall consist of plantings which meet the screening standards of section 7.3.

Type B buffer requirement. The required buffer shall have not less than a 30-foot width and shall consist of plantings plus a fence, wall (not otherwise a part of a structure), or a berm, or any combination thereof, which meets the screening standards of section 7.3.

(Ord. No. 53, 8-5-2003)

[Sec.] 7.3 Screening standards.

Screening is a method of visually shielding or obscuring one use from another by fence, walls, berms or densely planted vegetation.

Plantings. Plantings shall consist of either trees or shrubs or any combination of both. Planted areas shall be located along the abutting property lines or in areas that will provide the best screening effectiveness.

If trees or large shrubs are used solely as the screening device, they shall be any evergreen species from the list provided by the land development officer which, under normal growing conditions, will attain a minimum height of eight feet and a canopy spread of ten feet within four years. They shall be planted a minimum 20 feet on center as shown in the following illustration.

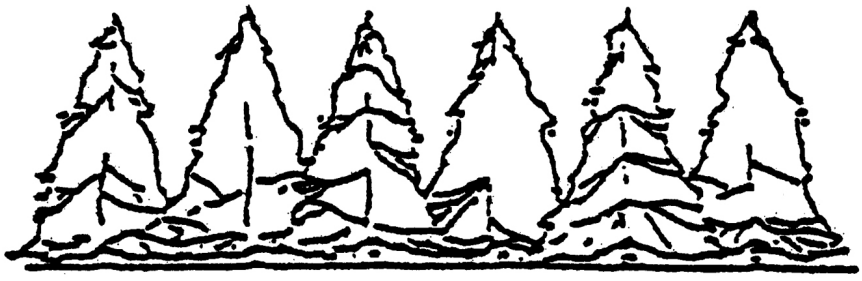

Illustration of Trees and Large Shrubs for Screening

If trees are used in combination with shrubs, they may be of any species from the list provided by the land development officer. Small trees shall be planted 30 feet on center, and large trees 40 feet on center as shown in the following illustration. Shrubs shall be

any evergreen species from the list provided by the Land Development Officer planted four feet on center as shown in the following illustration. Shrubs shall initially be of any size, which would normally attain a minimum height of six feet within three years after planting.

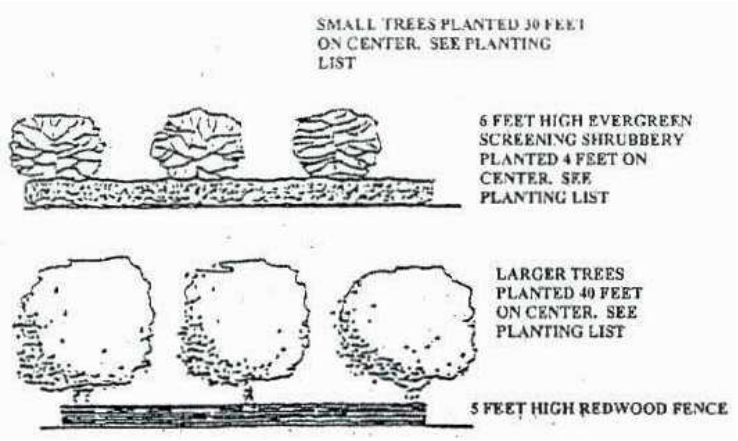

Illustration of Shrubs, Small Trees and Large Trees Plantings

Walls. Walls shall be of masonry construction and a minimum height of eight feet. The wall shall be placed on the edge of the buffer nearest the most intense land use.

Fences. Fences shall be a minimum of eight feet in height and constructed of standard wood fencing materials and methods or chain link with woven inserts that will provide 90 percent visual blockage as shown in the examples provided by the land development officer. The fence shall be placed on the edge of the buffer nearest the more intense land use.

Berms. Earthen berms shall have a minimum height of eight feet.
(Amend. of 7-1-2014)

[Sec.] 7.4 Buffer design.

All buffers required by this article shall conform to the following specifications:

7.4-1 Prior to development, a buffer plan shall be required to show the types and locations of all plantings within a required buffer. If a site plan is required, a buffer plan shall be incorporated as part of the site development plan.

7.4-2 Landscaping within buffer areas shall be used to screen objectionable views or nuisances, such as parking and service areas, refuse containers, air conditioning units and transformers.

7.4-3 Existing on-site trees may be credited as meeting the requirements of this article if the land development officer determines that such plant materials achieve the purposes of this article.
(Ord. No. 53, 8-5-2003)

[Sec.] 7.5 Location of buffers.

Buffers shall be located on the outer perimeter of a lot or parcel along all lot lines adjoining dissimilar districts including adjacent property lines, which may be separated by an existing or proposed public right-of-way. Buffers shall not be located on any portion of existing, dedicated, or reserved public or private street right-of-way.
(Ord. No. 53, 8-5-2003)

[Sec.] 7.6 Variances.

The requirements of this article may be waived by the appropriate agency under any of the following conditions:

7.6-1 If it is clearly demonstrated that the existing topography and/or vegetation will achieve the purposes of this article.

7.6-2 If it is clearly demonstrated that for topographic reasons, no required screening device could possibly screen the ground level activities of the use from the first floor view of the residential structure abutting the use.

7.6-3 The adjoining property owners mutually agree in writing that the required buffer is not necessary for satisfactory use and enjoyment of their property rights.

7.6-4 It is clearly demonstrated that an existing (or proposed) public right-of-way separation between adjoining properties will achieve the purposes of this article.

[Sec.] 7.7 Use of buffers.

A buffer may be used for some forms of passive recreation such as pedestrian, bike or equestrian trails, or as a storm water retention area provided that: 1) no planted materials shall be eliminated; and 2) the total width of the required buffer area shall be maintained.
(Ord. No. 53, 8-5-2003)

[Sec.] 7.8 Maintenance.

The responsibility for maintenance of buffers shall remain with the owner of the property. Any required plant that has died shall be replaced. Maintenance of planted areas shall consist of mowing, removal of litter and dead plant materials, and necessary pruning. Fences and walls shall be kept in a condition that meets the requirements of this article.
(Ord. No. 53, 8-5-2003)

[Sec.] 7.9 Failure to comply with these provisions.

See articles XV and XVIII of this appendix for enforcement and penalty provisions.

[Sec.] 7.10 Surety for buffer installation.

When the date for issuing a certificate of occupancy does not coincide with the planting conditions that are necessary to install a required buffer, the land development officer shall accept a letter of credit or other acceptable surety for the buffer installation. Such surety shall be in the amount and form satisfactory to the land development officer and shall certify the following:

(1) That the creditor does guarantee funds in an amount to cover the cost of installing all buffers as estimated and approved by the land development officer;

(2) That in case of failure of the developer to complete the specified improvements, the creditor shall pay the government immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of the secured credit; and

(3) That the letter of credit or other surety may not be withdrawn or reduced in amount until released by the after final inspection and certification of approval of the buffer by the land development officer.

(Ord. No. 53, 8-5-2003)

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

[Sec.] 8.1 Lots of record.

Any lot of record which is legal on the date of the first published notice of this appendix, may be used subject to the following exceptions and modifications:

8.1-1 *Use of substandard lots.* Where the owner of a lot at the time of the adoption or amendment of this appendix does not own sufficient area and width to enable him to conform to the dimensional requirements of this article, such lot may be used as a building site.

8.1-2 *Individual lot not meeting minimum lot dimension requirements.* In addition to section 8.1-1, in any residential district, any lot of record existing at the time of adoption or amendment of this appendix which has a width or area less than that required by this appendix may be used as a building site for a single-family dwelling only.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling, the Board of Appeals is empowered to hear the request for a minimum variance.

8.1-3 If two or more adjoining lots with continuous frontage are in a single ownership at any time after the adoption (or amendment) of this appendix and such lots individually are too small to meet the yard, width, or area requirements of the

district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this appendix.

8.1-4 All facilities used in conjunction with an event center shall comply with all local, state, and federal building requirements with respect to group assembly, and shall comply with all local, state, and federal environmental requirements with respect to sewage disposal, floodplain management, erosion and sediment control, and storm-water management.

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 1, 12-15-2004; Amend. of 2-1-2016)

[Sec.] 8.2 Area, yard, and height regulations.

8.2-1 *Lot area.* Hereafter, no lot shall be reduced in size so that lot width, size of yards, lot area per family or any other requirement of this appendix is not maintained under the following conditions. This limitation shall not apply:

(1) When a portion of a lot is acquired for a public purpose.

(2) To dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms.

(3) To rental units in a hotel, motel, motor lodge, tourist home or to rooms in a rooming or boarding house.

8.2-2 *Yards and open space.*

(1) Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.

(2) Every part of a required yard shall be open to the sky so that projections such as sills, window air conditioning units, chimneys or cornices and ornamental features may not extend into a required yard.

(3) Notwithstanding other provisions of this appendix, fences, walls, and hedges, driveways, and buffer areas may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions of this ordinance.

(4) Minimum distances between principle buildings located on the same lot:

a.	Front to front arrangements	50 feet
b.	Front to rear arrangements	50 feet
c.	Rear to rear arrangements	50 feet
d.	Front to side arrangements	40 feet
e.	Side to side arrangements	20 feet
f.	All other arrangements	20 feet

8.2-3 *Front yards.*

(1) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

(2) On through lots, the required front yard shall be provided on each street.

(3) Corner lots shall meet the minimum front yard requirements on the sides adjacent to both streets and the remaining yards shall be considered side yard requirements.

(4) Open, unenclosed porches, platforms, or paved terraces, which are not covered by a roof or canopy and do not extend above the level of the first floor of the building, may extend or project into the required setback area if it is less than six feet long.

(5) Within the same block and zoning district, when 25 percent or more of the existing buildings which are located within 200 feet of each side of a lot have less than the minimum required setback, the required front setback of such lot should not exceed the average of the existing front setbacks.

8.2-4 *Side yards.*

(1) For the purpose of the side yard regulations, a group of commercial buildings separated by common or party walls shall be considered as one building occupying one lot.

8.2-5 *Fences and walls.* No fence or freestanding wall in a required yard other than a retaining wall shall be more than eight feet in height, or be constructed in a public right-of-way unless otherwise specified.

8.2-6 *Confined feeding operations—Setbacks.* Unless more stringent local, state, or federal regulations exist, the following minimum setback distances shall apply to all confined feeding operations:

(1) Residence (other than farm owner or operator)	500 feet
(2) Schools, churches, parks, and public areas	1,500 feet
(3) Incorporated city limits	1,500 feet
(4) Property lines	200 feet
(5) Streams, flood plains, sinkholes, and wetlands	100 feet
(6) Private wells	500 feet
(7) Public wells	500 feet

8.2-7 *Confined feeding operation.* There shall be a maximum of four enclosures (barns, stables, poultry houses, pens, or other types of enclosures per 25 acres. For operations with more than four major livestock enclosures, there shall be an additional minimum land area requirement of five acres per major livestock enclosure.

8.2-8 *Fans—Poultry houses.* Poultry house owners or operators shall be prohibited from situating poultry houses such that tunnel fans are pointed towards public roadways or residences not owned by the owner or operator within 1,000 feet.

8.2-9 *Storage of animal waste or dead animals.* Buildings used for storage of animal waste or dead animals shall be located no closer than 300 feet from any property line or 750 feet from any neighboring residential dwelling.

8.2-10 *Odor and pest control.* The producer (owner or operator) shall have a plan for odor and pest control.

8.2-11 *Permit.* The producer (owner or operator) of a proposed or expansion of a confined feeding operation, shall submit a detailed site plan and odor and pest control plan for review before applying for, or obtaining a building permit.
(Ord. No. 53, 8-5-2003; Amend. of 11-6-2018(1))

[Sec.] 8.3 Corner visibility.

No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 25 feet distant from the intersection of the street lines.
(Ord. No. 53, 8-5-2003)

[Sec.] 8.4 Accessory uses and structures.

8.4-1 An accessory structure shall not be permitted in any required front yard setback in the SR District.

8.4-2 No accessory building or structure shall be erected beyond a required yard line along any street.

8.4-3 Residential accessory uses in the RR, SR, MFR and MHP districts, such as garages, greenhouses or workshops, shall not be rented or occupied for commercial purposes.

8.4-4 All residential accessory buildings must be located at least ten feet from the principal building.

8.4-5 Filling station pumps and pump islands where permitted may occupy the required yards, provided that they shall not be less than 15 feet from street lines; canopies, whether attached or detached from the principal building must be at least 14 feet in height and the outermost edge shall be five feet from any property line.

8.4-6 All non-residential accessory buildings shall only be used by the owners, employees, lessee, or tenants of the premises, and shall meet the setback requirements of the principal building.

8.4-7 An open or unenclosed swimming pool may occupy a required rear or side yard, provided that the pool is not located closer than six feet to a rear lot line or ten feet to an interior side lot line. A three-feet wide walk space shall be provided between pool walls and protective fences or barrier walls.
(Ord. No. 53, 8-5-2003)

[Sec.] 8.5 Home occupations.

The conduct of business in residential units in the AG, RR, SR, MFR and MHP Districts is permitted under the provisions of this section. The intent of this section is to ensure the compatibility of home occupations with other uses permitted in these districts and not create a nuisance to residents from excessive noise, traffic, smoke, fire hazards, and other possible negative effects from commercial activity. Therefore, home occupations must meet the following requirements:

8.5-1 A home occupation must be clearly subordinate to the principle use of a parcel. In the RR, SR, MFR and MHP Districts, no more than 25 percent of the floor area of the dwelling unit may be used for home occupation purposes or for storage purposes in connection with a home occupation. An accessory building cannot be used in conjunction with a home occupation in the SR, MFR and MHP Districts.

In RR Districts, no more than 600 square feet or in AG Districts, no more than 2,400 square feet of an accessory building may be used for home occupation purposes or for storage purposes in connection with a home occupation.

8.5-2 The home occupation is limited to employment of residents of the property plus not more than one additional person.

8.5-3 A home occupation shall not produce objectionable noise, dust, vibrations, glare, fumes, or electrical interference detectable by normal means outside the structure.

8.5-4 A home occupation shall not constitute a fire hazard to neighboring residences.

8.5-5 No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street.

8.5-6 On premise retail sales are prohibited except for the sale of products or goods produced or fabricated on the premises as a result of the home occupation.

8.5-7 There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.

8.5-8 There shall be no more than two clients on premises at a time for any home occupation.

8.5-9 No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.

8.5-10 The following is a non-exhaustive list of examples of permissible home occupations providing they meet the above criteria:

(1) Architectural services.

(2) Art studio.

(3) Consulting services.

(4) Data processing.

(5) Dental technician and laboratory.

(6) Direct sale product distribution (Amway, Avon, Jaffra, Tupperware, Herbalife) provided there is no production on premises.

(7) Drafting and graphic services.

(8) Dressmaking, sewing, tailoring, contract sewing (one machine).

(9) Electronic assembly.

(10) Engineering service.

(11) Financial planning or investment services.

(12) Flower arranging.

(13) Home office.

(14) House cleaning service.

(15) Insurance sales or broker.

(16) Interior design.

(17) Laundry and ironing service.

(18) Locksmith.

(19) Real estate sales or broker.

(20) Telephone answering, switchboard call forwarding.

(21) Tutoring, including all indoor and outdoor instructional services limited to two students at a time.

(22) Writing, computer programming.

(23) Barber shop.

(24) Beauty shop.

(25) Catering.

8.5-11 The following is a non-exhaustive list of examples of prohibited home occupations:

(1) Ambulance service.

(2) Appliance repair.

(3) Auto repair.

(4) Restaurants and associated food preparation.

(5) Tow truck services.

(6) Veterinary uses (including care, grooming or boarding).

(7) Junkyard, salvage yard, wrecking yard.

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 5, 12-5-2006; Amend. of 2-21-2018; Amend. of 6-5-2018(3))

[Sec.] 8.6 Electric transformer station, gas regulator station, telephone exchange, and water control facility.

8.6-1 Such uses shall be essential for service to the area in which located.

8.6-2 Any building or structure, except an enclosing fence, shall be setback not less than 20 feet from any property line and shall meet all applicable yard requirements in excess thereof.

8.6-3 Such uses shall be enclosed by a fence not less than eight feet in height.

8.6-4 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.

8.6-5 The storage of vehicles and equipment on the premises shall be prohibited.

8.6-6 The site and development plans shall be approved by the enforcement officer to ensure compatibility of facilities with the neighborhood in which they are located.
(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 6, 3-3-2009)

ARTICLE IX. OFF-STREET PARKING AND LOADING

[Sec.] 9.1 Purpose.

The purpose of this article is to provide regulations to foster safe and efficient circulation of vehicles and pedestrians on private and public streets and to minimize nuisances from on-street parking.
(Ord. No. 53, 8-5-2003)

[Sec.] 9.2 Off-street parking.

(a) *Off-street automobile parking and storage.* Off-street automobile parking and storage space shall be provided on every lot on which any of the uses mentioned in this section are hereafter established. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth in Table 9.1. Each automobile parking space shall be at least eight feet six inches wide and 18 feet long.

If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, the board of appeals may permit such space to be provided on other off-street property provided such space is within 500 feet of such principal use. Such space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

All off-street automobile parking and storage space except for single-family residential uses shall be so arranged that vehicles will not be required to back onto a public, street, road, or highway when leaving the premises.

Gross leasable area (GLA) is the total building floor area in square feet that a developer may lease. Gross floor area (GFA) is the sum of the areas of several floors of a building, including all areas for human occupancy, as measured from the exterior faces of the walls, but excluding unenclosed porches, interior parking spaces, or any space where the floor to ceiling height is less than six feet, six inches.

(b) *Improvement and maintenance.* Off-street parking areas shall be graded to insure proper drainage, surfaced with all-weather gravel, asphalt or concrete materials, and maintained in a clean, orderly, and dust-free condition.

(c) *Marking.* In all commercial and industrial zone districts, if the off-street parking area is surfaced with concrete or asphalt, each parking space shall be painted with stripes, not less than three-inches wide, running the length of each of the longer sides of the space or by other acceptable methods which clearly delineate the parking space within the parking lot. If the off-street parking area is surfaced with all-weather gravel materials, a bumper guard or wheel stop shall be installed to mark each space.

(d) *Handicapped parking.* Parking for the handicapped within a non-residential district shall be provided at a size, number, and location according to the requirements of the American Disabilities Act Accessibility Guidelines (ADAAG), published by the U.S. Architectural and Transportation Barrier Compliance Board (ATBCB), as amended.
(Ord. No. 53, 8-5-2003)

[Sec.] 9.3 Residential parking.

All parking areas serving single-family detached or attached dwellings shall conform to the following requirements:

(1) If garages or carports are converted to living area, then the off-street parking requirements must be met elsewhere on the lot.

Table 9.1

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	*PARKING SPACES*
RESIDENTIAL	
Dormitory for Worker Employed on the Premises	1 per 3 employees plus 1 per dormitory manager.
Dwelling, Multi-family/Townhouse (including one bedroom units)	2 per dwelling unit.
Dwelling, Single-family Detached	2 per dwelling unit.
Dwelling, Condominium	2 per dwelling unit.
Senior Housing	1 space per dwelling unit.
Group Home	1 per employee plus 1 per 2 bedrooms.
Manufactured Home, Industrialized Home	2 per dwelling unit.
Neighborhood Center	1 per 250 sf GFA.
Nursing Home	1 for 4 beds + 1 per 2 employees.
Rooming and Boardinghouse	1 per room to be let.
COMMERCIAL—RETAIL	
Automobile, Truck Sales and Service	1.0 space per 250 sf of sales floor area + 2 spaces per service bay.
Auto Parts Store	1 per 400 sf GFA + 1 per employee on max. work shift.
Boat Sales, Service and Repair	1 per 300 sf GFA, 2 spaces minimum.
Convenience Store (can include fuel service)	5 per 1,000 sf GFA.
Furniture, Home Furnishing and Equipment Store	1 per 500 sf GFA, 2 spaces minimum.
Grocery Store	1 per 200 sf GFA.
Hardware Store	1 per 200 sf GFA.
Liquor Store	1 per 400 sf GFA.
Manufactured Home Sales	4 per sales person plus 1 per employee.
Restaurant, Cafeteria, Fast-Food (with seating)	1 per 4 seats, 1 add'l space for 2 employees.
Restaurant, Fast Food w/Drive-in Facility (no seating)	1 per employee on maximum shift.
	1 per 200 sf GLA.
USES	
Retail Stores, General Merchandise	

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	*PARKING SPACES*
Shopping Center, Planned—Under 400,000 sf GLA	5 per 1,000 sf GLA.
Shopping Center, Planned—Over 400,000 sf GLA	5.5 per 1,000 sf GLA.
Tire Sales, Service and Vulcanizing	1 per 300 sf GFA.
COMMERCIAL—SERVICE and ENTERTAINMENT	
Amusement Center, Game Room	1 per 200 sf GFA, plus 1 per two tables/ machines.
Amusement Park	Spaces equal in number to 30% of capacity.
Automobile Repair and Body Shop	1 per 150 sf GFA.
Auto Oil Change Shop	2 per service bay.
Auto/Motor Vehicles Race Track	1 per 4 seats.
Bait Shop	1 per 250 sf GFA.
Bank or Financial Institution, Full Service	1 per 175 sf GFA.
Bar, Cocktail Lounge, Tavern, Night Club	1 per 4 seats.
Barber Shop, Beauty Salon	3 per workstation on maximum capacity.
Bed and Breakfast Home	1 per guest room, plus 2 per owner's dwelling unit.
Bowling Alley	4 per alley.
Dry Cleaning	1 per 200 sf GFA.
Funeral Home/Mortuary	1 per 4 seats in chapel + 1 per 2 employees + spaces for company vehicles.
Gas Station, Full Service	1 per employee plus 3 per service bay.
Gas Station, Self-Serve (fuel only)	1 per employee.
Health Club and Facilities	1 per 200 sf GFA.
Hotel, Motel, Motor Lodge	1 per sleeping room or suite, 1 add'l space for @ 2 employees.
Laboratory, Research and Development Facilities	1.5 per employee.
Laundromat	1 per 200 sf GFA.
Machinery Sales, Service and Repair	4 per sales person plus 1 for @ other employees.
Miniature Golf Course	3 per hole + 1 per employee on maximum shift.
Offices (business, medical, dental, and professional)	1 per 225 sf GFA for single floor designs; 1 per 275 sf GFA for designs with two or more floors.
Pet Shop and Dog Grooming Shop	1 per 400 sf GFA w/a minimum of 4 spaces.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	*PARKING SPACES*
Printing, Publishing and Engraving	1 per 2 employees on premises + 1 per 300 sf of sales space.
Repair Service, General Merchandise	1 per 2 employees on premises + 1 per 300 sf of sales space.
RV Sales and Camper Sales, Service and Repair	4 spaces for sales person plus 1 per employee.
Shooting Range, Indoor	1 per employee plus 1 per shooting lane.
Studio for Art, Photograph and Similar Uses	1 per 400 sf GFA, 3 spaces minimum.
Theater, Movie or Drama	1 per 3 seats.
Truck Terminal	1 per 1,000 sf GFA.
Veterinary Clinic	4 spaces per doctor, plus 1 per additional employee.
Video Store	1 per 200 sf GFA.
INDUSTRIAL—STORAGE/WAREHOUSING/USES	
WHOLESALE TRADE	
Mini-Warehouse (Self-Service Storage Facilities)	1 per 10 storage units + 1 per employee.
Warehouse and Storage Buildings	1 per employee on maximum working shift, plus space for storage of truck or vehicles used.
Junkyard, Salvage Yard, Wrecking Yard	2 per employee.
Wholesale, Trade Establishments	1 per employee, plus 1 per 200 sf of sales floor area.
INDUSTRIAL—MANUFACTURING ESTABLISHMENT/PROCESSING	
Manufacturing and Industrial Uses	1 per employee on the maximum working shift.
Contract Construction	1 per 250 sf of gross office space + 1 per non-office on-site employee.
Mineral Extraction and Processing	1 per 2 employees on maximum working shift.
PUBLIC/INSTITUTIONAL	
Ambulance Services	1 per emergency vehicle plus 1 add'l space for each employee.

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	*PARKING SPACES*
Art Gallery	1 per 250 sf GFA.
Auditoriums, Assembly Hall, Civic Center, Event Centers and other places of assembly	1 per 4 seats or bench seating spaces or 1 per 100 sf GFA in the largest assembly room.
Cemetery, Mausoleum	1 per employee.
Childcare Facilities	1 per 1.5 employees + 1 per 4 pupils.
Church	1 per 4 seats or bench seating spaces.
Club and Lodges, Non-Commercial	1 per 100 sf GFA.
Convent and Monastery	1 per 2 beds.
Fire Station	1 per each employee on the maximum working shift.
Halfway House/Rehabilitation Center	1 per employee plus 1 per 3 beds.
Hospital, Health and Medical Institution	1 per 2 patient beds, 1 additional for 3 employees.
Library	1 per 400 sf GFA + 1 per 2 employees.
Museum	1 per 250 sf GFA.
Police Station/Correctional Facility	2 per employee on the maximum working shift, plus 1 per 8 inmates considering the maximum inmate holding capacity.
Post Office	1 per 200 sf GFA + 1 per employee on maximum working shift.
Recycling Center	1 per employee.
School, Public or Private Elementary/ Middle	1 per 10 students or 1 per five (5) seats in the main assembly area whichever is greater.
School, Public or Private High	1 per 3 students + 1 per employee, plus 1 per classroom.
School, College	15 per classroom.
School, Vocational/Technical	15 per classroom.
TRANSPORTATION/COMMUNICATION/UTILITIES	
Bus Terminal	4 per loading and unloading bay.
Radio, TV and Communication Transmission Tower	1 per 2 employees on premises + 1 per 300 sf of sales or customer space.
Utility Facilities	1 per employee + 1 per stored vehicle.
Water Treatment Facilities	1 per employee.
PARK/RECREATION/CONSERVATION	

MINIMUM OFF-STREET PARKING REQUIREMENTS BY USES	
USES	*PARKING SPACES*
Golf Courses and Club Houses, Private	Four per hole, plus additional spaces for each accessory facility.
Golf Courses and Club Houses, Public	Four per hole, plus additional spaces for each accessory facility.
Golf Driving Range	2 per driving tee.
Park with Recreational Facilities	Spaces equal in number to 30% of capacity.
Recreation Vehicle Park	1.5 per RV space.
Shooting Range, Outdoor	Skeet Range and Trap Range: 1 per employee plus 1 for shooter.
	Target Range: 1 per employee plus 1 per shooting lane.
Skating Rink, Roller and Ice	5 spaces per 1,000 sf of GFA.
Swimming Pool, Public	30 spaces minimum.
AGRICULTURAL	
Agricultural Services	2 per 3 employees or 1 per 400 sf GFA.
Kennel	1 per employee + 1 per 1,000 sf GFA.
Lumber Yard	1 per 500 sf GFA.
Meat Pack and Processing/Slaughter Yard	1 per 1,000 sf GFA.
Nursery/Greenhouse	1 per 400 sf of GFA, plus 1 per 2,000 sf of exterior nursery area.
Saw Mill	1 per employee.
Stock Yard	1 per employee on maximum shift.

(Ord. No. 53, 8-5-2003; Amend. of 7-1-2014; Amend. of 2-1-2016; Amend. of 2-21-2018)

[Sec.] 9.4 Off-street loading and unloading space.

Every building or structure used for business, trade for industry, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. Such space shall be so arranged that no vehicle is required to back onto a public street, road or highway in order to leave the premises.

(1) *Retail business and services.* Space ten feet by 25 feet for each 20,000 square feet of total floor area or fraction thereof.

(2) *Wholesale and industry.* One space ten feet by 50 feet for each 10,000 square feet of floor area plus one additional space for each 60,000 additional square feet of total floor area or fraction thereof.

(3) *Bus and truck terminals.* Sufficient space to accommodate the maximum number of busses or trucks to be stored or to be loading or unloading at the terminal at any one time.

(Ord. No. 53, 8-5-2003)

ARTICLE X. NON-CONFORMITY

[Sec.] 10.1 Purpose.

The purpose of this article is to provide for the continuation and, within a suitable period of time, elimination of existing uses of property that do not conform to the requirements of this appendix upon its adoption or subsequent amendment.

(Ord. No. 53, 8-5-2003)

[Sec.] 10.2 Non-conforming use.

10.2-1 Any structure or use of land existing at the time of enactment or subsequent amendment of this zoning ordinance, but not in conformity with its use provisions, may be continued with the following limitations:

(1) A non-conforming use may not be changed to another non-conforming use.

(2) A non-conforming use may not be reestablished after discontinuance of that use for one year.

(3) A non-conforming use or structure may not be enlarged beyond its size at the time the use or structure becomes non-conforming. This includes, but is not limited to, the size of the building, the number of employees, operation during other hours of the day or night, the use of additional land, and more powerful or additional equipment.

(4) A non-conforming structure may not be rebuilt, altered, repaired or replaced after incurring damages that exceed 75 percent of the fair market value of the structure at the time immediately preceding the occurring of such damage, with the exception of an individual's primary dwelling which may be replaced regardless of the damaged incurred. A non-conforming mobile home may not be replaced after it is removed from the property.

(5) The board of appeals may grant the change, reestablishment or enlargement of a non-conforming use or the enlargement, rebuilding, alteration, repair or replacement of a non-conforming structure upon the following findings:

a. The change, reestablishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use;

b. The structure cannot be economically modified so as to be suitable for uses in the district;

c. The structure would have to be removed to permit development of the property for conforming uses;

d. The structure has such value that removal to permit development of the conforming uses would cause economic hardship to the owner;

e. The proposed change, reestablishment, enlargement, rebuilding, alteration, replacement or repair would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance;

f. The requirements for changing to a different Land Use District would prevent the current district from being changed to a classification that would allow the proposed change, reestablishment, enlargement, rebuilding, alteration, repair or replacement.

10.2-2 Applications submitted to the board of appeals requesting the change, reestablishment, enlargement, rebuilding, alteration, repair or replacement of a non-conforming use structure shall include the following information:

(1) The applicant shall bear the burden of providing conclusive evidence to the board of appeals that the use or structure is legally non-conforming. The evidence may include, but is not limited to, business licenses, tax receipts, utility bills, telephone bills, IRS documents and affidavits.

(2) The applicant shall submit a plat or an accurate site plan, drawn to scale, showing the dimensions of the lot, size and location of all structures and their distance from all property lines, the names of all streets which the property abuts, and parking spaces.

(3) If the request is for a commercial use or structure, a written description shall be submitted to describe the business. This description shall include hours of operation, number of employees, equipment used, products made or sold, type of signs, and other information as needed for the board of appeals to reach a decision.

(4) The applicant shall provide evidence to the Board of Appeals on how the proposed change, reestablishment, enlargement, rebuilding, alteration, repair or replacement will comply with the current zoning, health and building requirements.

10.2-3 If the requested change, reestablishment, enlargement, rebuilding, alteration, repair or replacement is approved, the board of appeals may place conditions on the approval to ensure protection of the surrounding area. The applicant is responsible for conformance with these conditions.

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 4, 8-1-2006)

ARTICLE XI. ADMINISTRATION

[Sec.] 11.1 Enforcement officer.

The provisions of this appendix shall be administered and enforced by the land development officer who is given the authority to perform these functions. The land

development officer's duties shall include receiving applications, inspecting premises, issuing building permits and certificates of occupancy for uses and structures that meet the requirements of this appendix and other duties that are authorized by the commissioner. (Ord. No. 53, 8-5-2003)

[Sec.] 11.2 Building permit and manufactured home location permit.

11.2-1 *Building permit.* A building permit, to indicate and insure compliance with all provisions of this appendix, shall be required for any proposed use of lands or buildings before any improvements or grading of lands or any alteration or construction of buildings commences.

11.2-2 *Manufactured home location permit.* A building permit shall be required for the construction of a manufactured home stand, or the placement of a manufactured home on an individual lot.

State law reference—Building permit and manufactured home location permit, O.C.G.A. § 8-2-26.

[Sec.] 11.3 Application.

All applications for building permits shall be made to the land development officer. A dimensioned site plan may be required.

11.3-1 *Site plan requirements.* The dimensioned site plan may be required to include any/or all of the following information:

a. *Name.* Name(s) of the proposed development. Names, address(es), and phone number(s) of the owner(s) and the designer(s) of the site plan and his seal.

b. *Date.* Date, north arrow, and graphic scale.

c. *Survey boundaries.* Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.

d. *Location map.* A general location map at a scale of one inch equals two thousand feet (1" = 2,000`) indicating existing zoning on or adjacent to the site, adjoining roads, and the adjacent areas are required.

e. *Building locations.* Location of all proposed buildings, their shape, size, and setback in appropriate scale.

f. *Parking and loading.* All required parking and loading facilities for non-residential uses.

g. *Right-of-way.* Show the location, with lengths and widths, and the name or purpose of all rights-of-way of streets, roads, alleys, railroads, public crosswalks, and applicable easements.

h. *Buffers.* Show the location and design of the proposed buffer and landscaping for the proposed development.

i. *Environmentally sensitive areas.* Location of major river corridors, steep slopes, and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.

j. *Proposed improvements.* The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking and loading, dumpsters, recreation areas and facilities, yards and other open spaces.

k. *Adjacent developments.* All other information concerning the lot or adjoining lots as may be essential to determine whether the proposed development meets the provisions of this appendix shall be included in the sketch plan.

(Ord. No. 53, 8-5-2003)

[Sec.] 11.4 Issuance.

If the proposed excavation, filling, or construction as set forth in the application is in conformity with the provisions of this appendix, then the Land Development Officer of Murray County shall issue a building permit upon payment of the required fee. If a building permit is refused, the land development officer shall state such refusal in writing with cause. The land development officer shall not issue any permit if the land or building as proposed to be used, constructed or altered would be in violation to any provisions of this appendix or any codes and laws of Murray County, or the state, or federal government, except as provided herein.

(Ord. No. 53, 8-5-2003)

[Sec.] 11.5 Duration of permit validity.

The permit shall become invalid if the work authorized by the permit is suspended or abandoned for a period of one year.

(Ord. No. 53, 8-5-2003)

[Sec.] 11.6 Appeals from decisions.

It is the intention of this article that all questions arising in connection with the administration and enforcement of this appendix shall be presented to the board of appeals only on appeals from the decision of such official.

(Ord. No. 53, 8-5-2003)

[Sec.] 11.7 Certificate of occupancy.

A certificate of occupancy issued by the land development officer is required in advance of the occupancy or use of the following:

11.7-1 Any building, structure, land, or premises.

11.7-2 Any building or structure hereafter erected or moved.

11.7-3 Any building hereafter altered, so as to affect the front, side, or rear yards thereof, or its height.

11.7-4 Any building, structure, or premises in which there is a change of occupancy or use.

Within five days after the application for a certificate of occupancy and payment of any required fees, the land development officer shall sign and issue a certificate of occupancy if the proposed use of land or building, as stated on the certificate of occupancy and signed by the owner or his appointed agent, is found to conform to the applicable provisions of this appendix, and if the building, as finally constructed, complies with the plans submitted for the building permit.

(Ord. No. 53, 8-5-2003)

State law reference—Certificates of occupancy, O.C.G.A. § 8-2-26.

[Sec.] 11.8 Denial of certificate of occupancy.

A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this appendix, or unless the building, as finally constructed, complies with the plans upon which the building permit was issued. The land development officer shall state in writing the reasons for denying such certificate of occupancy.

(Ord. No. 53, 8-5-2003)

[Sec.] 11.9 Records of applications and certificates.

Records of application for all building permits, occupancy certificates with said permits, and occupancy certificates and denials shall be kept on file in the office of the land development officer, and copies shall be furnished on request per county policy.

(Ord. No. 53, 8-5-2003)

ARTICLE XII. APPEALS

[Sec.] 12.1 Board of appeals.

The Board of Appeals of Murray County shall hear all appeals to this appendix. The word "board" when used in this appendix shall be construed to mean the board of appeals.

(Ord. No. 53, 8-5-2003)

[Sec.] 12.2 Powers and duties.

The board of appeals shall have the following powers and duties in regards to this appendix:

12.2-1 *Variances.* The board shall hear and decide applications for variances from the development requirements of this appendix, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of

adoption of this appendix, was a lot or plat of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the said development requirements of this appendix would result in practical difficulties to, or undue hardship upon the owner of such property. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this appendix will be served. However, the board shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited.

No variance shall be authorized unless the board finds that all of the following conditions exist:

a. That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

b. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

c. That the condition from which relief of a variance is sought did not result from action by the applicant.

d. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Murray County.

12.2-2 *Appeals.* The board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, development or building permit decision, determination or refusal made by the land development officer or other administrative officials in the administration or enforcement of any provisions of this appendix. Such appeals shall be in accordance with the following:

a. An appeal to the board of appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or agency affected by any decision of the land development officer with respect to this appendix. Such appeal shall be made within ten days following notification of the disputed decision, by filing with the land development officer a notice of appeal and specifying the grounds thereof. The land development officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

b. An appeal stays all legal proceedings in furtherance of the action appealed from unless the land development officer certifies to the board of appeals, after the

notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction.

c. The appellant and any public agency or private individual shall be entitled to present evidence on matters before the board.

d. The board may, in conformity with this appendix, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the land development officer. The board may direct the issuance of a permit. It shall be the duty of the land development officer to carry out the decisions of the board.

12.2-3 *Special exceptions.* To hear and decide the following exceptions to the terms of this appendix provided that such exceptions shall impose appropriate conditions and safeguards:

a. District boundary interpretations as provided in section 5.3.

b. Temporary use.

c. Interpretation of uses not listed in Table 6.4.

(Ord. No. 53, 8-5-2003; Amend. No. 9, 12-7-2010)

[Sec.] 12.3 Public hearings.

Within a reasonable time after receiving an application and before making a decision, the board shall hold a public hearing, then shall act on all requests for variances, appeals and special exceptions.

12.3-1 *Applications.* Application for a hearing and decision on requests for variances, appeals and special exceptions shall be filed with the land development officer on forms provided by Murray County at least 15 days prior to the meeting at which they are to be heard. Each application shall contain such information as the land development officer may require, to enable the board to make its decision. Each application for a variance shall include a plat, sketch, drawing, or aerial photograph as determined by the land development officer or designee. Any or all of the following information may also be required by the land development officer or designee.

a. All property lines, with dimensions and location of building setback lines.

b. Location of buildings and other structures, creeks, and easements referenced to the property line of the tract.

c. North arrow.

12.3-2 *Notice of hearing.*

a. At least 15, but not more than 45 days prior to the date set by the board of appeals for the hearing, a written notice shall be published in a newspaper of general circulation in Murray County setting forth the time, place, and purpose of the hearing.

b. At least 15 days notice of the time and place of the hearing shall be sent to the applicant and the owners of all properties abutting or across the street from the property with which the hearing is concerned. In addition, the land development officer shall post, in a conspicuous place on the property a sign or signs which shall contain information as to the date, time, and purpose of the hearing before the board, at least 15 days before the hearing. However, acts of vandalism or natural occurrences which limit the effectiveness of posting the property for public notice shall not void the proceedings or actions taken under this article.

12.3-3 *Hearing procedure.* The board shall adopt such rules and regulations for the conduct of the public hearings as are consistent with State law and are appropriate to its responsibilities, which shall be published and available to the public, including rules on the presentation of evidence.

(Ord. No. 53, 8-5-2003; Amend. No. 10, 11-1-2011)

[Sec.] 12.4 Assistance by land development officer.

The land development officer shall provide such technical and clerical assistance as the board may require and shall maintain permanent and complete records of the activities of the board.

(Ord. No. 53, 8-5-2003)

[Sec.] 12.5 Fees.

To defray a portion of the costs occasioned thereby, no appeal from the decision of the land development officer and no application for a special exception, variance, or appeal shall be entered on the docket of, heard by, or ruled by the board until there has been paid to the office of the board by the appellant, an administrative fee, which fee shall be remitted to the Murray County Clerk. No fee shall be required for an interpretation of this article when there is a variation between the street layout on the ground and the street layout as shown on the zone district map. Neither Murray County, nor any officer, agent or employee of Murray County acting in his official capacity, nor any agency of the county shall be required to pay a fee under this article.

(Ord. No. 53, 8-5-2003; Ord. No. 53, Amend. No. 1, 12-15-2004)

[Sec.] 12.6 Appeals from action of the board.

Any party aggrieved by a final judgment or decision of the board may within 30 days thereafter appeal therefrom to the Superior Court. The appellant shall furnish the board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the board shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the case shall, in such court, be a new trial.

(Ord. No. 53, 8-5-2003)

ARTICLE XIII. AMENDMENTS

[Sec.] 13.1 Amendments.

This appendix, including the official land use district map, may be amended by the Murray County Commissioner upon his/her own motion, in accordance with the requirements of the adopted Murray County Land Use Procedures Ordinance, as amended (see appendix A). All applications to amend the official land use district map shall be filed in the office of the Murray County Land Use Official.
(Ord. No. 53, 8-5-2003; Amend. No. 9, 12-7-2010)

ARTICLE XIV. REMEDIES AND PENALTIES

[Sec.] 14.1 Remedies.

14.1-1 Whenever any work is being done in violation of any provision of this ordinance, or in variance with the terms of any permit issued for such work, the land development officer may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of the ordinance corrected. Such stop order, if oral, shall be followed by a written stop order within 24 hours (excluding Saturday, Sunday or holidays). It shall be unlawful to do or perform any work in violation of such stop order except as may be necessary to prevent injury or damage to persons or property. Such stop order may be revoked by the land development officer or by ordinance of the Murray County Commissioner.

14.1-2 Whenever any building or structure is being erected, constructed, re-constructed, rehabilitated, altered, repaired, converted, or maintained in violation of any provision of this appendix, Murray County may file appropriate action for equitable relief on emergency basis or otherwise in a court of proper jurisdiction to prevent the violation, further violation or damage resulting from such violation and shall be entitled to all relief as provided under applicable law.
(Ord. No. 53, 8-5-2003)

[Sec.] 14.2 Penalties for violation.

Any person who is guilty of violating, by act or omission, any provision of this appendix shall be punishable by a fine not exceeding $1,000.00 or six months in jail or both, in the Magistrate Court of Murray County. Where such an act or omission is continued in violation of the provisions of these regulations after notice of such violation by the land development officer, each day such violation continues may be deemed a separate punishable violation.
(Ord. No. 53, 8-5-2003)

State law references—Authority for and limitations of penalties for violation of county ordinance, O.C.G.A. § 15-10-60; O.C.G.A. § 36-1-20.

ARTICLE XV. LEGAL STATUS PROVISIONS

[Sec.] 15.1 Validity.

Should any article, clause or provision of this appendix be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the appendix as a whole or any part hereof other than the part so declared to be invalid; each article, clause and provision hereof being declared severable.
(Ord. No. 53, 8-5-2003)

[Sec.] 15.2 Repeal of conflicting ordinances and validity of prior approvals and actions.

This is the Land Use District Ordinance of Murray County, Georgia, and all other conflicting ordinances are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying the zoning approvals or use permits issued for developments already in progress before adoption of this appendix; however, modification or repeal of these past conditions of approval may be accomplished as provided by this appendix.

All variances and exceptions heretofore granted by the commissioner or other applicable authority shall remain in full force and effect; all terms, conditions and obligations previously imposed shall remain in effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.
(Ord. No. 53, 8-5-2003)

CODE COMPARATIVE TABLE

ORDINANCES

This is a numerical listing of the ordinances of the county used in this Code. Repealed or superseded laws at the time of the codification and and omitted materials are not reflected in the table.

Ordinance Number	Date	Section	Section this Code
2	9-12-1985	1	42-1
		2(a)	42-1
4	6- 2-1987	1	42-3
5	6- 2-1987		42-2
9	9- 5-1989	1-1	14-77
		1-2	14-79
		1-3	14-76
		1-4—1-8	14-80—14-84
		1-9	14-78
11	7- 3-1990	art. 1, § A—art. 1, § D	30-26—30-29
		art. 2	30-35
		art. 3, § A, art. 3, § B	30-36, 30-37
		art. 3, § C	30-63
		art. 3, § D—art. 3, § G	30-30—30-33
		art. 3, § H	30-38
		art. 4, § A	30-61
		art. 4, § B	30-63
		art. 4, § C	30-62
		art. 4, § D	30-64
		art. 5, § A—art. 5, § E	30-91—30-95
13	1- 7-1992	1, 2	70-1, 70-2
14	2-28-1992	1, 2	18-152, 18-153
		4—6	18-154—18-156
16	5- 4-1993	1, 2	10-26, 10-27
		3(a)	10-56
		3(b)	10-91
		3(c), 3(d)	10-93, 10-94
		3(e)	10-92
		3(f)—3(n)	10-95—10-103
		4(a)—4(i)	10-131—10-139
		5, 6	10-56
		7(a)	10-57

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		7(b)—7(f)	10-59—10-63
		8	10-58
		9—17	10-64—10-72
		18, 19	10-28, 10-29
17	7- 6-1993	1—4	42-31—42-34
18	7- 6-1993	art. I	2-21
		art. II	2-22
		art. III—art. VII	2-23—2-27
20	8- 3-1993		18-2
22	9- 6-1994	1—3	54-26—54-28
23	3- 7-1995	art. I, § 1, art. I, § 2	62-27, 62-28
		art. I, § 3	62-26
		art. I, §§ 4, 5	62-29
		art. I, § 6—art. I, § 11	62-30—62-35
		art. II, § 1—art. II, § 6	62-61—62-66
		art. III, § 1—art. III, § 11	62-91—62-101
26	8- 5-1997	1—5	42-61—42-65
29	6- 2-1998	1, 2	18-26
		3, 4	18-28, 18-29
		Attach. A	18-51—18-65
		Attach. B	18-91—18-94
		Attach. C, § A—Attach. C, § C	18-121—18-123
		Attach. C, § D, Attach. C, § E	18-124, 18-125
31	6- 2-1998	1—3	34-26—34-28
31, Amend. No. 1	11-19-2003	1	34-26
32	6- 2-1998	1—4	22-26—22-29
		5	1-19
36	12- 1-1998	I	14-26
		II—IV	14-28—14-30
		V(a)(1)—V(a)(3)	14-31—14-33
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		VI	14-43
		VII	14-27
		VIII, IX	14-44, 14-45
38	12- 1-1998	4	14-46

Ordinance Number	Date	Section	Section this Code
	4- 6-1999	1	14-26
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		5	14-43
40	11- 2-1999	1—5 Added	42-5
Res. of	4- 3-2001		46-26—46-35
45	4-10-2001	1.1, 1.2	18-176, 18-177
		1.3.1—1.3.3	18-178
		1.4—1.8	18-178
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		1.12—1.18	18-182—18-188
44	5- 5-2001	II, III	26-156, 26-157
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		IV(E)	26-194
		V(A)—V(C)	26-186—26-188
		V(D)(1)—V(D)(5)	26-189—26-193
		VI(A)—VI(C)	26-158—26-160
		VI(D), (E)	26-161
		VII(A)—VII(D)	26-162—26-165
		VIII(A), VIII(B)	26-166, 26-167
		IX(C)	26-168
43	9- 4-2001	I-1	50-26—50-28
		I-2(a)	50-29, 50-30
		I-2(b)	50-31
		I-3—I-6	50-32—50-35
		II-4	50-36
45, Amend. No. 1	5- 3-2005	1	18-185
46	11-14-2001	1	26-251
		2	26-253
		3(a)	26-252
		3(b), 3(c)	26-254, 26-255
		4	26-256
47	11-14-2001	II, III	70-26, 70-27
		IV(A)—IV(C)	70-86—70-88
		V	70-28
		VI(A)—VI(E)	70-56—70-60
		VI(F)	70-29
		VI(G)	70-61
		VI(H)—VI(J)	70-30—70-32
48	11-14-2001	2—6	70-116—70-120
49	12-20-2001		66-58
49, Amend. No. 1	1- 6-2004		66-58

Ordinance Number	Date	Section		Section this Code
49, Amend. No. 2	5- 4-2004			66-58
49, Amend. No. 3	7- 6-2004			66-58
49, Amend. No. 4	12- 7-2004			66-58
50	5-17-2002			App. A, §§ 1-1—1-13 App. A, §§ 2-1, 2-2, 3-1—3-6-2 App. A, § 4-1—4-9 App. A, §§ 5-1—5-7
50, Amend. No. 1	11-19-2003		Added	App. A, § 1-14
				App. A, Art. II, App. A, § 3-1-2 App. A, § 3-6-2(i)
			Added	App. A, § 3-6(q)(18) App. A, § 4-3-8
50, Amend. No. 2	11- 2-2004			App. A, Art. II
				App. A, § 1-13 App. A, § 3-1-2 App. A, § 3-5 App. A, § 3-6-2 App. A, § 4-3-7 App. A, § 4-4
			Added	4-3-6(c)
50, Amend. No. 3	5- 3-2005		Added	App. A, §§ 3-5-2(d), App. A, § 3-6-2(h)(24) App. A, § 3-6-2(i) App. A, § 4-3-2 App. A, § 4-4-14 App. A, § 4-4-15 App. A, § 4-7
50, Amend. No. 4	8- 1-2006			App. A, § 4-3-8
50, Amend. No. 5	12- 5-2006		Added	App. A, § 3-6-2(h)(25)

Ordinance Number	Date	Section		Section this Code
				App. A, § 3-6-2(i)
				App. A, § 4-5-9(a)
51	9-26-2002	1—6		50-26—50-31
52	10-15-2002			App. B, §§ 1.0—11.0
53	8- 5-2003		Added	App. B, Arts. I, II
				App. B, Art. III, § 3.1
				App. B, Art. IV, §§ 4.1—4.11
				App. B, Art. V, §§ 5.1—5.3
				App. B, Art. VI, §§ 6.1, 6.2
				App. B, Art. VII, §§ 7.1—7.10
				App. B, Art. VIII, §§ 8.1—8.6
				App. B, Art. IX, §§ 9.1—9.4
				App. B, Art. X, §§ 10.1, 10.2
				App. B, Art. XI, §§ 11.1—11.9
				App. B, Art. XII, §§ 12.1—12.6
				App. B, Art. XIII, § 13.1
				App. B, Art. XIV, §§ 14.1, 14.2
				App. B, Art. XV, §§ 15.1, 15.2
53, Amend. No. 1	12-15-2004			App. B, Art. III
			Rpld	App. B, § 4.7(1)—(9)
			Added	App. B, §§ 4.7-1, 4.13
				App. B, § 6.3
				App. B, Art. VI, table 6.4
			Added	App. B, § 8.1-3
				App. B, § 12.5

Ordinance Number	Date	Section		Section this Code
53, Amend. No. 2	5- 3-2005		Rpld	App. B, § 4.13
			Added	App. B, § 4.12
			Rpld	App. B, § 5.3-4
				App. B, Art. VI, tables 6.1, 6.2
53, Amend. No. 3	7- 5-2005			App. B, Art. III, § 3.1
53, Amend. No. 4	8- 1-2006			App. B, § 7.1
				App. B, § 10.2(4)
53, Amend. No. 5	12- 5-2006			App. B, Art. VI, table 6.4
			Added	App. B, § 8.5-10(23), (24)
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