

CODE OF ORDINANCES

Walnut Grove, Georgia

Adopted 2001 with Amendments through September 2013



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CODE OF ORDINANCES

GENERAL PROVISIONS

CHAPTER 1: GENERAL PROVISIONS

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Section 1-101 How Code Designated and Cited

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of the City of Walnut Grove, Georgia, 2001," and may be so cited.

Section 1-102 Rules of Construction

In the construction of this code and of all sections, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Mayor and City Council.

- 1. General Rule.** All words and phrases shall be construed and understood 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.
- 2. Gender -- Singular and Plural.** Every word in any code provision or section importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.
- 3. Tenses.** The use of any verb in the present tense shall include the future when applicable.
- 4. Joint Authority.** All words purporting to give a joint authority to three (3) or more City Officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.
- 5. Delegation of Authority.** Whenever a provision required the head of a department or other officer of the City to do some act or perform some duty, it shall be construed to authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.
- 6. Computation of Time.** The time within which an act is to be done as provided in any code provision or section or in any order issue pursuant to any section, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or a legal holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- 7. Overlapping Provisions.** Where any provision of this code imposes greater restrictions upon the subject matter than any general provisions imposed by this code, the provision imposing the greater restriction or regulation shall be applicable.

Section 1-103 Definitions

Words and phrases used in this code shall have the following meanings, unless otherwise specified.

1. **Advice and Consent.** Whenever the term "advice and consent" of the City Council is used in this code it shall be construed to mean an affirmative vote of the majority of the entire City Council.
2. **City.** The Words "the city" or "this city" shall mean the City of Walnut Grove, Georgia.
3. **City Council, Council.** The words "city council" or "the council" shall mean the City Council of the City of Walnut Grove, Georgia.
4. **County.** The words "the county" or "this county" shall mean Walton County, Georgia.
5. **Court.** The word "court" shall mean the Municipal Court of the City.
6. **Governing Authority, Governing Body.** The words "governing authority" or "governing body" shall mean the Mayor and City Council of the City of Walnut Grove , Georgia.
7. **Judge or Recorder.** The words "judge" or "recorder" shall mean the Judge of the Municipal Court of the City.
8. **Mayor.** The word "mayor" shall mean the Mayor of the City of Walnut Grove, Georgia.
9. **Mayor and City Council.** The term "mayor and city council" shall mean the Mayor and City Council of the City of Walnut Grove, Georgia.
10. **Misdemeanor.** The term "misdemeanor" shall mean a violation of the state criminal law punishable by a fine not in excess of one thousand dollars (\$1,000.00) or confinement in a county or other jail for a term not exceeding twelve (12) months, or by both such fine and imprisonment.
11. **Municipality.** The word "municipality" shall be construed as synonymous with the term "city," "town," or "municipal corporation."
12. **Oath.** The word "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 words "affirm" and "affirmed" shall be equivalent to the words "swear" or "sworn."
13. **Ordinance.** The word "ordinance" shall mean a legislative act of the municipal governing body of a general and permanent nature.
14. **Owner.** The word "owner" when applied to a building or to land, shall include any part owner, joint owner, tenant in common, joint tenant by the entirety, of the whole or a part of such building or land.
15. **Person.** The word "person" shall include a corporation, firm, agency, partnership, association, organization, government, and any other group acting as a unit, as well as an individual.
16. **Personal Property.** The term "personal property" shall include every specie of property except real property, as hereinafter defined.
17. **Preceding, Following .** The words "preceding" and "following" shall mean next before and next after, respectively.
18. **Property.** The term "property" means anything of value, including but not limited to real estate, tangible and intangible personal property, contract rights, services, choses in action, and other interests in or claims to wealth admission or transportation tickets captured or domestic animals, food and drink, and electric or other power.
19. **Real Property.** The words "real property" shall include lands, tenements, and hereditaments.
20. **Reasonable Time or Notice.** Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance or the act required.
21. **Resolution.** The word "resolution" shall mean a legislative act of the municipal governing body of a special or temporary character.
22. **Sidewalk.** The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of the pedestrians, but shall not include any unimproved areas between the curb line and improved walkways.
23. **Signature, Subscription.** The word "signature" or "subscription" shall include a mark intended as such when the person cannot write.
24. **State.** The words "state" or "this state" shall mean the State of Georgia.
25. **Street.** The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approach thereto, within the City.
26. **Tenant or Occupant.** The word "tenant" or "occupant," when applied to a building or to land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.
27. **Week.** The word "week" shall mean seven (7) calendar days.

28. **Writing or Written.** The words "writing" and "written" shall include printing and any other mode of representing words and letters.
29. **Year.** The word "year" shall mean a calendar year.

Section 1-104 Section Headings

The underlined headings of the several sections and subsections of this code are intended as mere captions to indicate the contents of the section or subsection and shall not be deemed or taken to be titles of such sections, nor as any part of the section or subsection, nor unless so expressly provided, shall they be so deemed when any of such sections or subsections, including the headings, is amended or re-enacted.

Section 1-105 Effect of Repeal or Expiration of Code Section or Ordinance

1. The repeal of a code section 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 ordinance expired.
2. When any ordinance repealing a former code section, ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former code section, ordinance, clause, or provision, unless it shall be expressly so provided.

Section 1-106 Amending Code

1. All ordinances passed subsequent to this code which amend, repeal or in any way affect this code shall be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the code and subsequent ordinances omitted are readopted as a new code by the City Council.
2. Amendments to any of the provisions of this code may be made by specific reference to the section number of this code in the following language: "That section _____ of the Code of Ordinances, City of Walnut Grove, Georgia 20___, is hereby amended to read as follows" The new provisions may then be set out in full as desired.
3. In the event a new section not heretofore existing in the code is to be added, the following language may be used. "The Code of Ordinances of the City of Walnut Grove, Georgia 20___, is hereby amended by adding a section (or subsection chapter) to be numbered _____, which section reads as follows" The new provision shall then be set out in full as desired.
4. All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

Section 1-107 Altering Code

It shall be unlawful for any person 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, except by ordinance or resolution or other official act of the Mayor and City Council.

Section 1-108 Penalty Where No Penalty Provided

1. Whenever in this code or in any ordinance of the City any act is prohibited or is declared to be unlawful, or whenever in such code or ordinances the doing of any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of such provision of this code or any ordinance shall subject the person committing the violation to a fine not exceeding one thousand dollars (\$1,000.00) and costs or to imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the Judge of the Municipal Court. *(Amended 7/8/08)*

2. The infliction of a penalty under the provisions of this Section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the City's charter or code.

Section 1-109 Severability

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 or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this code.

PART I: ORGANIZATION OF THE GOVERNMENT

CHAPTER 2: ELECTIONS

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ARTICLE I. IN GENERAL

Section 2-101 Adoption of State Rules and Regulations

The rules and regulations promulgated by the State Election Board which pertain to municipal elections, together with the provisions of the "Georgia Election Code" contained in Title 21 of the Official Code of Georgia Annotated, are hereby adopted as the rules, regulations, and provisions that shall govern the conduct of municipal general and special elections in this City.

Section 2-102 Authority to Conduct Municipal Elections

The governing authority of any municipality may conduct the election or they may authorize any county within which that municipality wholly or partially lies to conduct any or all elections. In the event a municipality shall by ordinance authorize such county to conduct elections, such municipality may request such county to perform any or all of the functions enumerated in the contract. Such county shall have authority to conduct elections in any and all counties in which any part of such municipality may lie. (See Municipal Election Code, *O.C.G.A.* § 21-2-1 et. seq.)

Section 2-103 Expenses

Such funds as are necessary for the conduct of elections and for the performance of the duties that are specified by this chapter shall be budgeted and appropriated annually, and from time to time.

ARTICLE II. REGISTRATION

Section 2-201 Registrars and Deputy Registrars

- 1. Appointment.** Registrars and deputy registrars shall be appointed by the Mayor and City Council as necessary, and shall serve at the pleasure of same. One such appointee shall be designated as chief registrar, and such person shall serve as the Chief Administrative Officer of the Board of Registrars and shall generally supervise and direct the administration of the affairs of said board. Compensation of the registrars shall be fixed by the governing authority.

All appointments shall be entered on the minutes of the City Council meeting at which they are made.

The Mayor and City Council may furnish such employees and facilities as it deems necessary for the operation of the office and the affairs of the registrars.

- 2. Qualifications.** Registrars and deputy registrars shall be able to read, write, and speak the English language. The office of any person who is a registrar, deputy registrar, or member of a board of elections shall be vacated immediately upon such person filing a notice of candidacy for any nomination or office to be voted for at a primary or election or upon such person's giving notice of such person's intent to be a write-in candidate; provided, however, that this ineligibility shall not apply to a chief deputy registrar who is also an elected public officer and who seeks to qualify for reelection to the public office such chief deputy registrar is presently holding. However, nothing contained in this Code Section shall preclude a registrar, deputy registrar, or member of a municipal board of elections from qualifying for office, having such officer's name placed on the ballot, or holding office in a political party or body or serving as a presidential elector. No registrar, deputy registrar, or member of a board of elections, while performing the duties of such office, shall engage in political activity on behalf of a candidate, political party or body, or question, including, but not limited to, distributing campaign literature, engaging in any communication that advocates or criticizes a particular candidate, officeholder, or political party or body while on duty, and wearing badges, buttons, or clothing with partisan messages.
- 3. Oath.** Prior to entering upon his duties, each registrar and deputy registrar shall take the following oath before some officer authorized by law to administer oaths under the laws of the state:

"I do solemnly swear that I will faithfully and impartially discharge, to the best of my ability, the duties imposed upon me by law as (deputy) registrar."

- 4. Term of Office.** Persons appointed to the position of registrar or deputy registrar shall serve at the pleasure of the Mayor and City Council.
- 5. Powers.** The registrars and deputy registrars shall exercise those powers and duties and shall be subject to such regulations as are set forth in the "Georgia Election Code," Title 21 of the *O.C.G.A.*
- 6. Resignation or Removal.** Any registrar or deputy registrar shall have the right to resign at any time by submitting a resignation to the Mayor and City Council. The Mayor and City Council shall have the right at any time to remove one (1) or more of such registrars for cause after notice and hearing. If any registrar resigns or is removed for cause, his duties and authority as such shall terminate immediately. In the event of death, resignation, or removal of a registrar or deputy registrar, the Mayor and City Council shall appoint a successor. Each such appointment shall be entered on the minutes of the City Council meeting at which the appointment is made.
- 7. Training.**

- A. The election superintendent and at least one (1) registrar shall attend a minimum of twelve (12) hours training biennially as may be selected by the Secretary of State.
- B. The basis for the minimum requirement of training shall be two (2) calendar years.
- C. A waiver of the requirement of minimum training, either in whole or in part, may be granted by the Secretary of State, in his/her discretion, upon the presentation of evidence by the election superintendent or registrar that the individual was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the Secretary of State.
- D. The cost of the training shall be borne by the municipal governing authority from municipal funds.
- E. The minimum training required under this Section shall not apply to deputy registrars.

Section 2-202 Elector Qualifications

Any person desiring to vote in any municipal, general, or special election must:

- 1. Register as an elector in the manner prescribed by law;
- 2. Be a citizen of the State of Georgia and of the United States;
- 3. Be at least eighteen (18) years of age;
- 4. Be a resident of this (municipality/county); and
- 5. Be possessed of all other qualifications prescribed by law:
 - A. No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.
 - B. No person who has been judicially determined to be mentally incompetent may register, remain registered, or vote unless the disability has been removed.
 - C. Any person who possesses the qualifications of an elector except those concerning age shall be permitted to register to vote if such person will acquire such qualifications within six (6) months after the day of registration; provided, however, that such person shall not be permitted to vote in a primary or election until the acquisition of such qualifications.

Section 2-203 Reserved

Section 2-204 Challenge of Registration List

- 1. Any elector of the municipality may challenge the right of any other elector of the municipality, whose name appears on the list of electors, to vote in an election. Such challenge shall be in writing and specify distinctly the grounds of such challenge. Such challenge may be made at any time prior to the elector whose right to vote is being challenged voting at the elector's polling place or, if such elector cast an absentee ballot, prior to the close of the polls on the day of the election.
- 2. Upon the filing of such challenge, the county board of registrars shall immediately consider such challenge and determine whether probable cause exists to sustain such challenge. If the registrars do not find probable cause, the challenge shall be denied. If the registrars find probable cause, the registrars shall notify the poll officers of the challenged elector's precinct or, if the challenged elector voted by absentee ballot, notify the poll officers at the absentee ballot precinct and, if practical, notify the challenged elector and afford such elector an opportunity to answer.
- 3. If the challenged elector appears at the polling place to vote, such elector shall be given the opportunity to appear before the registrars and answer the grounds of the challenge.
- 4. If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and if the challenge is based on grounds other than the qualifications of the elector to remain on the list of electors, no further action by the registrars shall be required.
- 5. If the challenged elector casts an absentee ballot and it is not practical to conduct a hearing prior to the close of the polls and the challenge is based upon grounds other than the qualifications of the elector to remain on the list of electors, the absentee ballot shall be treated as a challenged ballot pursuant to *O.C.G.A. § 21-3-291*. No further action by the registrars shall be required.
- 6. If the challenged elector does not cast an absentee ballot and does not appear at the polling place to vote and the challenge is based on the grounds that the elector is not qualified to remain on the list of electors, the board of registrars shall proceed to hear the challenge pursuant to *O.C.G.A. § 21-2-229*.
- 7. If the challenged elector casts an absentee ballot and the challenge is based upon grounds that the challenged elector is not qualified to remain on the list of electors, the board of registrars shall proceed to conduct a hearing

on the challenge on an expedited basis prior to the certification of the consolidated returns of the election by the election superintendent. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of *O.C.G.A.* § 21-2-229.

8. If the challenged elector appears at the polls to vote and it is practical to conduct a hearing on the challenge prior to the close of the polls, the registrars shall conduct such hearing and determine the merits of the challenge. If the registrars deny the challenge, the elector shall be permitted to vote in the election notwithstanding the fact that the polls may have closed prior to the time the registrars render their decision and the elector can actually vote, provided that the elector proceeds to vote immediately after the decision of the registrars. If the registrars uphold the challenge, the challenged elector shall not be permitted to vote and, if the challenge is based upon the grounds that the elector is not qualified to remain on the list of electors, the challenged elector's name shall be removed from the list of electors.
9. If the challenged elector appears at the polls to vote and it is not practical to conduct a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently find that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by having the word "Challenged" and the elector's name written across the back of the elector's ballot notwithstanding the fact that the polls may have closed prior to the time the registrars make such a determination, provided that the elector proceeds to vote immediately after such determination of the registrars. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the registrars shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the registrars. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of *O.C.G.A.* § 21-2-229.

Section 2-205 Permanency of Registration

Registration of an elector will remain permanent if the elector votes in at least one (1) election every three (3) years. If such person does not vote in at least one (1) general or special election or primary in a three (3) year period and does not specifically request continuation of his registration, then the elector's name will be removed from the registration list and he shall be required to re-register in the manner provided for original registration.

Section 2-206 Absentee Registration

1. Not more than one hundred eighty days (180) days prior to the date of the primary or election, or runoff of either, in which the elector desires to vote, any absentee elector may make, either by mail, by facsimile transmission, or in person in the registrar's office, an application to the board of registrars of the county of the elector's residence for an official ballot of the elector's precinct to be voted at such primary, election, or runoff. In the case of an elector residing temporarily out of the county or a physically disabled elector residing within the county, the application for the elector's absentee ballot may, upon satisfactory proof of relationship, be made by such elector's mother, father, grandparent, aunt, uncle, sister, brother, spouse, son, daughter, niece, nephew, grandchild, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law of the age of 18 or over. The application shall be in writing and shall contain sufficient information for proper identification of the elector; the permanent or temporary address of the elector to which the absentee ballot shall be mailed; the identity of the primary, election, or runoff in which the elector wishes to vote; the reason for requesting the absentee ballot; the name and relationship of the person requesting the ballot if other than the elector. Except in the case of physically disabled electors residing in the county, no absentee ballot shall be mailed to an address other than the permanent mailing address of the elector as recorded on the elector's voter registration record or a temporary out of county address. Relatives applying for absentee ballots for electors must also sign an oath

stating that facts in the application are true. If the elector is unable to fill out or sign such elector's own application because of illiteracy or physical disability, the elector shall make such elector's mark, and the person filling in the rest of the application shall sign such person's name below it as a witness; provided, however, that one timely and proper application for an absentee ballot for use in a primary shall be sufficient to require the mailing of the absentee ballot to an eligible absentee elector who lives outside the county in which the election is held and is also a member of the armed forces of the United States, a member of the merchant marine of the United States, or a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member or overseas citizen. Any elector meeting criteria of advanced age or disability specified by rule or regulation of the Secretary of State may request in writing on one application a ballot for a primary as well as for any runoffs resulting therefrom. If not so requested by such person a separate and distinct application shall be required for each primary, run-off primary, election, and run-off election. Notwithstanding the foregoing, a separate and distinct application for an absentee ballot shall be required of the presidential preference primary held pursuant to Article 5 of *O.C.G.A.* § 21-2-381 and for any special election or special primary.

Section 2-207 Elector Identification

1. Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:
 - A. A valid Georgia driver's license;
 - B. A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United State authorized by law to issue personal identification;
 - C. A valid United States passport;
 - D. A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state.
 - E. A valid United States military identification card;
 - F. A valid tribal identification card containing a photograph of the elector.
2. Except as provided in Section 2-207.3, if an elector is unable to produce any of the items of identification listed in Section 2-207.1, he or she shall be allowed to vote a provisional ballot pursuant to *O.C.G.A.* §21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in Section 2-207.1 within the time period for verifying provisional ballots pursuant to *O.C.G.A.* §21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.
3. An elector who registered to vote by mail, but did not comply with subsection (c) of *O.C.G.A.* §21-2-220, and who votes for the first time in this state shall present to the poll workers either one of the forms of identification listed in Section 2-207.1 or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of such elector. If such elector does not have any of the forms of identification listed in this paragraph, such elector may vote a provisional ballot pursuant to *O.C.G.A.* §21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this subsection within the time period for verifying provisional ballots pursuant to *O.C.G.A.* §21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement.

ARTICLE III. CANDIDATES

Section 2-301 Notice of Candidacy, Name on Ballot

1. **Filing.** Each candidate desiring to have his name placed on the ballot for an office to be filled in a municipal, general, or special election shall file personally, or by his agent, notice of his candidacy in the manner and accompanied by the documents and information required below.
 - A. Each candidate for a nonpartisan municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's nonpartisan

qualifying period. Each municipal superintendent shall designate the days of such qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday.

- B. In the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than twenty-five (25) days prior to the election.

The hours of qualifying each day shall be from 8:30 a.m. until 4:30 p.m. with one hour allowed for the lunch break; provided, however that municipalities which have normal business hours which cover a lesser period of time shall conduct qualifying during normal business hours for each such municipality. Except in the case of a special election, notice of the opening and closing dates and the hours for candidates to qualify shall be published at least two weeks prior to the opening of the qualifying period.

2. Reserved.

Section 2-302 Notice of Candidacy, Write-in Vote

1. No person elected on a write-in-vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no later than the Tuesday after the first Monday in September prior to the election for county, state, and federal elections; no later than seven (7) days after the close of the municipal qualifying period for municipal elections in the case of a general election; no earlier than January 1 and no later than the Tuesday after the first Monday in June in the case of a nonpartisan election for a state or county office which was not covered by a local Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan election without a prior nonpartisan primary; no later than the third Monday in July in the case of a nonpartisan election for a state or county office which was not covered by a local Act of the General Assembly on July 1, 2001, which provided for election in a nonpartisan election without a prior nonpartisan primary held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives; or at least twenty (20) or more days prior to a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:
 - A. In a state general or special election, notice shall be filed with the Secretary of State and published in a paper of general circulation in the state;
 - B. In a general or special election of county officers, notice shall be filed with the superintendent of elections in the county in which he or she is to be a candidate and published in the legal organ of the same county; or
 - C. In a municipal general or special election, notice shall be filed with the superintendent and published in the legal organ of the municipality holding the election.
2. In addition to the requirements contained in subsection 1. of this Section, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file, with the appropriate official specified in paragraph A., B. or C. of subsection 1. of this Section, a copy of the notice as published with an affidavit stating that the notice has been published and including the name of the newspaper and the date of publication, not later than the fifth day after the deadline for filing and publishing such notice. The affidavit may be made by the person giving notice of intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.
3. No person shall be eligible as a write-in candidate in a special or general primary, a special or general primary runoff, or in a special or general election runoff.
4. No person shall be eligible as a write-in candidate in a general or special election if such person was a candidate for nomination or election to the same office in the immediately preceding primary.

The Secretary of State or appropriate municipal official shall certify to the election superintendent of each county affected at least ten (10) days prior to the general or special election the names of all persons who have filed notices of intention to be write-in candidates with the Secretary of State or appropriate municipal official.

Section 2-303 Qualifying Fees

1. The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan primary, or general election is to held, and at least thirty-five (35) days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Such fee shall be three percent (3%) of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office; provided, however, that for the offices of clerk of the superior court, judge of the probate court, sheriff, tax commissioner, and magistrate, the qualifying fee shall be three percent (3%) of the minimum salary provided by general law for the office, exclusive of cost-of-living increases and longevity increases. If not a salaried office, a reasonable fee shall be set by the governing authority of such county or municipality, such fee not to exceed three percent (3%) of the income derived from such office by the person holding the office for the preceding year or more than thirty-five dollars (\$35.00) for a municipal office.
2. Qualification fees paid to the superintendent of a municipality:
 - A. If the person qualified as a candidate of a political body, fifty percent (50%) shall be transmitted to the state executive committee of the appropriate political body and fifty percent (50%) shall be retained by the superintendent of the municipality; and
 - B. If the person qualifies as an independent or nonpartisan candidate, the superintendent of the municipality shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the superintendent of the governing authority of the municipality, to be applied toward the cost of holding the election.

Section 2-304 Campaign Financing Disclosure

Every elected municipal official shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year. Each person who qualifies as a candidate for election as a public officer shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

A public officer shall not, however, be required to file such a financial disclosure statement for the preceding calendar year in a year in which there occurs qualifying for election to succeed such public officer, if such public officer does not qualify for nomination for election to succeed himself or herself or for election to any other public office subject to this chapter. For purposes of this subsection, a public officer shall not be deemed to hold office in a year in which the public officer holds office for less than fifteen (15) days.

ARTICLE IV. VOTING

Section 2-401 Election Officials

1. **Appointment.** The following election officials shall be appointed by the Mayor and City Council and shall receive such compensation as is provided by same:
 - A. Municipal Election Superintendent
 - B. Chief Manager
 - C. Two (2) Assistant Managers
 - D. Clerks, as necessary
2. **Qualifications and Powers.** The Municipal Election Superintendent and all poll officers shall meet such qualifications and exercise all such powers and duties as are provided in Title 21 of the *O.C.G.A.*

Section 2-402 Election Districts

Each municipal election district shall constitute a separate precinct. The governing authority of the municipality in which precincts are located may divide or redivide any precinct so as to suit the convenience of the electors and to promote the public interests. All voting precincts which are established or altered after April 15, 1994 must conform with the following requirements.

1. All voting precincts established or altered on or April 15, 1994, shall consist of areas which are bounded on all sides only by:
 - A. Visible features which are readily distinguishable upon the ground (such as streets, railroad tracks, streams, lakes, and ridges) and which are indicated upon official Department of Transportation maps, current census maps, City or county planning maps, official municipal maps, official county maps, or any combination of such maps;
 - (1) The boundaries of public parks;
 - (2) The boundaries of public school grounds;
 - (3) The boundaries of churches; or
 - B. The boundaries of counties and incorporated municipalities.
2. The governing authority shall notify the board of registrars within ten (10) days after such changes are adopted.
3. The governing authority shall file with the Secretary of State:
 - A. A map reflecting any changes in precincts within twenty (20) days after the changes are made;
 - B. A copy of any communications to or from the United States Department of Justice relating to any precincts within twenty (20) days after such communication is sent or received;
 - C. A copy of any pleading initiating a court action potentially affecting any precincts within thirty (30) days after it is filed;
 - D. A copy of any court order affecting any precincts within twenty (20) days after it is entered; and
 - E. Any other documentation necessary to allow the Secretary of State to maintain a current listing of all precincts in the state.

Section 2-403 Polling Places

The polling place within the precinct shall be the City municipal building located at 1021 Park Street. *(Amended 10/23/07.)*

Section 2-404 Date of Election

All general municipal elections to fill municipal offices shall be held on the Tuesday next following the first Monday in November and on such day annually thereafter.

Section 2-405 Reserved

Section 2-406 Absentee Ballots

Absentee ballots shall be used in all municipal elections, and such use shall be governed by the provisions of Chapter 21 of the O.C.G.A.

Section 2-407 Vote Required for Election

Candidates for nomination for any public municipal office in any election shall be nominated or elected by a plurality of the votes cast to fill such nomination or public office. Plurality shall mean the receiving by one candidate alone of the highest number of votes cast.

Where the municipal charter does not provide for nomination or election by plurality and no candidate receives a majority of the votes cast, a run-off election shall be held between the candidates receiving the two highest numbers of votes. In the case of a general election, such runoff shall be held on the twenty-first day after the day of holding the election, unless such run-off date is postponed by court order. In the case of a special election, such runoff shall be held not earlier than the fourteenth day and not later than the twenty-first day after the holding of the first special election, on a date specified by ordinance or resolution, unless such run-off date is postponed by court order.

Section 2-408 Contested Elections

1. **Petition of Contest.** Any person wishing to contest the results of a primary or election shall file a petition with the City Clerk within five (5) days after the results of the election are certified to the Mayor and City Council, which petition shall set forth in writing one (1) or more of the following grounds:

- A. Malconduct, fraud or irregularity by any election official sufficient to change or place in doubt the results;
 - B. When the defendant is ineligible for the nomination or office in dispute;
 - C. Illegal votes received, or legal votes rejected, sufficient to change or place in doubt the result;
 - D. An error in counting the votes or in declaring the result of an election, if such error would change the result; or
 - E. Any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.
2. **Notice and Hearing.** Upon the filing of the contest petition, a hearing shall be set before the Mayor and City Council and written notice stating the time and place of the hearing and containing a copy of the contest petition shall be given to all affected candidates. The hearing will take place not less than seven (7) nor more than fifteen (15) days after service of the notice upon the affected candidates, and shall be conducted in an informal manner.
3. **Determination by Mayor and City Council.** The Mayor and City Council shall examine the qualifications of electors concerning their right to vote, order a recount of ballots, examine the registration lists, and perform such acts and conduct such examination as may be deemed necessary to determine the validity of a contest of an election, except that any member of the governing authority included in the contest shall disqualify himself from judging the contest.
4. **Appeal.** The final determination of the Mayor and City Council may be appealed to the Walton County Superior Court in the manner of appeal from a court of probate, except that such appeal shall be made within ten (10) days after determination of the contest by the Mayor and City Council.

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ARTICLE I. IN GENERAL

Section 3-101 Exercise of Governmental Authority

In addition to the other powers which it may have, the governing body of any municipal corporation shall have the following powers, under this chapter, relating to the administration of municipal government:

1. The power to establish municipal offices, agencies, and employments;
2. The power to define, regulate, and alter the powers, duties, qualifications, compensation, and tenure of all municipal officers, agents, and employees, provided that the members of the municipal governing body shall not have the right to fix or change their own terms or the terms of their successors, nor to alter their own salaries or compensation, except pursuant to the authority of *O.C.G.A. § 36-35-4*, nor to alter such duties or responsibilities as are specifically given to a particular elective official by charter;
3. The power to authorize any of the offices, agents, and employees of the municipal corporation to serve, in any manner prescribed by applicable law; any process, summons, notice, or order on all persons, as defined in *O.C.G.A. § 1-3-3* therein named, when:
 - A. The paper to be served arises out of or relates to an activity or condition conducted or maintained by such person within the territorial jurisdiction of the municipal corporation in violation of an applicable law or ordinance; and
 - B. The paper to be served originates in or is issued under the authority of the department or branch of municipal government employing such officer, agent, or employee.

Where any such paper names one or more persons who reside outside the territorial jurisdiction of the municipal corporation, the several sheriffs, marshals, and constables of the several counties of this state are authorized and directed to serve any such paper and make appropriate return of such service by them, as other process is served and returned, on such named persons residing in their respective jurisdictions, upon receipt of a written request to make such service, for the fees allowed for service of process issued by the superior courts of this state;
4. The power to establish merit systems, retirement systems, and insurance plans for all municipal employees and to establish insurance plans for school employees of independent municipal systems and to provide the method or methods of financing such systems and plans;
5. The power to contract with any state department or agency or any other political subdivision for joint services or the exchange of services; to contract with such agencies or subdivisions for the joint use of facilities or equipment; and to contract with any state agency or political subdivision to perform any service or execute any project for such agency or subdivision in which the municipal corporation has an interest;
6. The power to legislate, regulate, and administer all matters pertaining to absentee voting in municipal elections; and
7. The power to grant franchises to or make contracts with railroads, street railways, or urban transportation companies, electric light or power companies, gas companies, steam-heat companies, telephone and telegraph companies, water companies, and other public utilities for the use and occupancy of the streets of the City, for the purpose of rendering utility services, upon such conditions and for such time as the governing authority of the municipal corporation may deem wise and subject to the Constitution and the general laws of this state.

Section 3-102 Code of Ethics

1. **Intent.** It is essential to the proper administration and operation of the City of Walnut Grove that the members of its Governing Authority be, and give the appearance of being, independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of the Governing Authority. The Governing Authority finds that the public interest requires that they protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the Governing Authority in situations where a conflict may exist.
2. **Definitions.** In this Ordinance, the term:
 - A. **Complaint** means a written sworn statement filed with the Mayor or Mayor-Pro-Tem containing specific allegations of misconduct by a member; provided, however, such allegations must be filed within six (6) months of discovery of the alleged misconduct.
 - B. **Interest** means any direct pecuniary benefit, which is not a remote interest held by or accruing to a member of the Governing Authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the City. A member of the Governing Authority shall be deemed to have an interest in transactions involving:
 - (1) Any person in the member's immediate family;
 - (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
 - (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided herein; or

- (4) Any person of whom the member is a creditor, whether secured or unsecured.
 - C. **Governing Authority or Member of the Governing Authority** means the Mayor or any Councilmember of the City and any member appointed to any Board or Commission of the City.
 - 3. **Prohibitions.** No member of the Governing Authority shall:
 - A. By conduct give reasonable basis that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official acts;
 - B. Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for him/herself or another person if it could reasonably be considered to influence the member in the discharge of official duties;
 - C. Disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person's private gain;
 - D. Use his/her official position to attempt to secure privileges that are not available to the general public;
 - E. Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is in direct conflict with the proper discharge of official duties;
 - F. Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him/her by virtue of being a member of the Governing Authority;
 - G. Use his/her position to request or require an employee to:
 - (1) Do clerical work on behalf of the member's family, business, social, church or fraternal interest when such work is not furthering a City interest;
 - (2) Perform any work outside the employee's normal course of municipal employment;
 - (3) Purchase goods or services to be used for personal, business, or political purposes; and
 - (4) Work for the member personally without paying the employee just compensation;
 - H. Use government property of any kind for other than officially approved activities, nor shall he/she direct employees to use such property for any purposes other than those officially approved;
 - I. Use his/her position in any way to coerce another person to provide any financial benefit to himself/herself or persons having an interest.
 - J. Prohibition (B) of this Section shall not apply in the case of:
 - (1) An occasional non-pecuniary gift of insignificant value;
 - (2) An award publicly presented in recognition of public service;
 - (3) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such a loan or financial transaction;
 - (4) Campaign contributions made and reported in accordance with Georgia law.
 - K. Prohibition (E) of this section shall not apply to a member of the Governing Authority who is a licensed professional and appears on behalf of any applicant in such professional capacity so long as disclosures required by Paragraph 4 are made to the Board or Commission Chairperson thirty (30) days prior to any action being taken, and the member is associated with the project at the time the initial application is filed.
 - 4. **Disclosure of Conflicts of Interest.** An appointed member of the Governing Authority who has an interest that he/she has reason to believe may be affected by his/her official acts or actions or by the official acts or actions of the Governing Authority shall disclose the precise nature of such interest by written or verbal statement thirty (30) days prior to the Governing Authority's taking official action on a matter affecting such interest and abstain from discussion and voting. An elected member of the Governing Authority shall disclose the nature of any interest he/she has at the time such matter is presented to Mayor and Council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.
 - 5. **Disqualification.** A member of the Governing Authority shall disqualify himself/herself from participating in any official act or action of the City which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.
 - 6. **Prohibited Contracts.** The City shall not enter into any contract involving services or property with a member of the Governing Authority or with a business in which a member of the Governing Authority has an interest- This section shall not apply in the case of:
 - A. The designation of a bank or trust company as a depository for City funds;

- B. The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
 - C. Contracts entered into in accordance with the Official Code of Georgia Annotated, §16-10-6.
 - D. Contracts entered into under circumstances that constitute an emergency situation, provided that the Mayor prepares a written record explaining the emergency.
 - E. Contracts entered into with a Member of the Governing Authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the City Attorney following disclosure.
7. **Restrictions on Contracts with Former Members of the Governing Authority.** The City shall not enter into any contract with any person or business represented by such person, who has been within the preceding twelve-month (12) period a member of the Governing Authority, unless the contract is awarded by a competitive bid or a committee selection process.
8. **Complaints.** Any person having a complaint against any member of the Governing Authority for an alleged ethics violation shall file in writing a verified complaint setting forth the particular acts and circumstances which constitute the alleged violation against the Governing Authority. The complaint shall be filed with the Mayor, or in the event the complaint regarding the Mayor, shall be filed with the Mayor-Pro-Tem. Upon receipt of a complaint, the Mayor, or in the event the complaint regarding the Mayor, the Mayor-Pro-Tem shall appoint three members of Council, who, along with the City Attorney, acting ex-officio, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the Board of Ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the Board of Ethics, the Board shall be appointed as provided herein
9. **Board of Ethics.**
- A. **Composition of the Board of Ethics:** The Board of Ethics of the City shall be composed of three (3) residents of the City to be appointed as provided in paragraphs 2 and 3 of this subsection. Each member of the Board of Ethics shall have been a resident of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident of the City while serving as a member of the Board of Ethics. No person shall serve as a member of the Board of Ethics if the person has, or has had within, the preceding one (1) year period, any interest in any contract, transaction, or official action of the City.
 - B. **Designation of Members.**
 - (1) The Mayor and Councilmembers shall each designate one (1) qualified citizen to provide a pool of five (5) individuals who have consented to serve as a member of such Board of Ethics and who will be available for a period of two (2) years to be called upon to serve in the event a Board of Ethics is appointed.
 - (2) The City Clerk shall maintain a listing of these five (5) qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the Board of Ethics, the Mayor and Council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified three (3) members of the Board of Ethics have been appointed. Such Board will elect one of its members to serve as Chairman.
 - C. **Compensation.**
 - (1) The members of the Board of Ethics shall serve without compensation. The Governing Authority of the City shall provide meeting space for the Board of Ethics. Subject to budgetary procedures and requirements of the City, the City shall provide the Board of Ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.
 - D. **Board Powers and Duties.**
 - (1) The constituted Board of Ethics shall have the following duties and powers:
 - (a) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
 - (b) To hold a hearing within sixty (60) days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six (6) months;

- (c) To prescribe forms, approved by the City Attorney, for the disclosure required in this Ordinance and to make available to the public information disclosed as provided in this section;
 - (d) To receive and hear complaints of violations of the standards required by this ordinance;
 - (e) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this Ordinance.
 - (f) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
 - (g) To report its findings to the Governing Authority for such action as the Governing Authority deems appropriate,
- 10. Service of Complaint; Hearings and Disposition of Complaints; Member Rights.** The Board of Ethics as appointed herein set forth shall cause the complaint to be served on the member of the Governing Authority charged as soon as practicable. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within sixty (60) days after filing of the complaint. The Board of Ethics shall conduct the hearing in accordance with the procedures and regulations it establishes but, in all circumstances, the hearing shall include the taking of testimony and the cross-examination of witnesses. The decision of the Board of Ethics shall be rendered to Mayor and Council within five (5) days after completion of the hearing. At any hearing held by the Board of Ethics, the member of the Governing Authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten (10) business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses in opposition or in extenuation.
- 11. Penalty.** Any member of the Governing Authority who knowingly violates any provision of the Code of Ethics provided in this Ordinance shall be subject to public reprimand or censure by the Governing Authority of the City.
- 12. Appeals.** Any member of the Governing Authority or the Complainant adversely affected by these findings of the Board of Ethics may obtain judicial review of such decision as provided in this Section.
- A.** An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Walton County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedes.

(Effective 5/9/07)

Section 3-103 Administrative Policy and Procedures

- 1. Officers.** Each officer shall perform all duties required of his office by state law, the charter, and this code, and such other duties not in conflict therewith as may be required by the Mayor.
- 2. Department Heads.** All department heads shall:
 - A.** Be immediately responsible to the Mayor for the effective administration of their respective department and all activities assigned thereto;
 - B.** Keep informed as to the latest practices in their particular field and implement, with the approval of the Mayor, such new practices as appear to be of benefit to the service and to the public;
 - C.** Submit quarterly and annual reports of the activities of their respective department to the Mayor;
 - D.** Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Mayor;
 - E.** Have power, when authorized by the Mayor, to appoint and remove, subject to personnel regulations, all subordinates under him; and
 - F.** Be responsible for the proper maintenance of all City property and equipment used in their respective departments.
- 3. Departments.** Each department shall cooperate with every other department and shall furnish, upon the direction of the Mayor, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.
- 4. Records.** All municipal records, except those which by order of a state court or by law are prohibited from being open to public inspection, shall be open for personal inspection by any citizen of Georgia during the hours of operation of the administrative service herein below prescribed.
- 5. Operation of Administrative Service.** All units in the administrative service shall:

- A. **Office Hours.** Open between the hours of 9:00 a.m. and 5:00 p.m. Monday, Tuesday, Thursday and Friday and between the hours of 9:00 a.m. and 1:00 p.m. on Wednesday and shall be closed Saturday, Sunday, and legal holidays.
- B. **Make Daily Deposit.** Made a daily deposit with the City Treasurer of any monies received directly from the public.
- C. **Payment of Monies.** Pay out monies belonging to the City only in the manner prescribed herein.

Section 3-104 Oaths

1. All officers and employees required by charter or some other provision of law to take an oath shall, before entering upon the discharge of their respective duties, take and subscribe the following oath before an officer authorized by law to administer oaths:

"I do solemnly swear that I will well and truly perform the duties of Mayor (or Councilmember, as the case may be) of the City of Walnut Grove, Georgia and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

2. In addition to the above oath all officers and employees shall take the following oath:
 - A. Take the oath of office;
 - B. Take any oath prescribed by the Constitution of Georgia;
 - C. Swear that he or she is not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;
 - D. Swear that he or she is not the holder of any office of trust under the government of the United States, any other state, or any foreign state which he or she is by the laws of the State of Georgia prohibited from holding;
 - E. Swear that he or she is otherwise qualified to hold said office according to the Constitution and laws of Georgia;
 - F. Swear that he or she will support the Constitution of the United States and of this state; and
 - G. If elected by any circuit or district, swear that he or she has been a resident thereof for the time required by the Constitution and laws of this state.

Section 3-105 Bonds

Except as otherwise provided by law, the Mayor and City Council may require any department head, City official, or employee, before entering upon the discharge of his duties to give good and sufficient bond in any amount decided by the Mayor and City Council. Said bond shall be payable to the City of Walnut Grove for the faithful performance of said duties and to secure against corruption, malfeasance, misappropriation, or unlawful expenditures in office. Said surety bonds shall be obtained from a surety company licensed to do business in the State of Georgia and approved by the Mayor and City Council. The premiums thereon shall be paid by the City.

Section 3-106 Compensation

Each officer and employee of the City shall receive such compensation as be provided from time to time by resolution.

ARTICLE II. THE MAYOR AND CITY COUNCIL GENERALLY

Section 3-201 Reserved

Section 3-202 Qualifications for Office

Any person whose principal place of residence is within the corporate limits of the City for at least six (6) months prior to the election date and who is both a qualified voter of the City and at least eighteen (18) years of age at the time of election shall be eligible for the office of Mayor or City councilmember. Should the Mayor or any member of City Council cease to maintain his principal place of residence within the City during his term of office, his office shall thereby become vacant.

Section 3-203 Vacancies

In case of a vacancy in the office of Mayor or City Council from failure to elect, death, removal, or any cause whatsoever, such vacancy shall be filled by a special election ordered by the City Council. The special election shall be held and conducted in accordance with Chapter 3, Title 21 of the O.C.G.A.

Section 3-204 Meetings

1. **Open Meetings.** The public shall at all times be afforded access to all meetings other than executive sessions. Except as otherwise provided by law, all meetings of the Mayor and Council shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements.
2. **Regular Meetings.** The regular meetings of the mayor and council shall be held at 7:30 p.m. on the second Thursday of each month. All regular meetings shall be held at the Municipal Building. A notice containing the information described in this section shall be posted and maintained in a conspicuous place available to the general public at city hall. No official action may be taken on any issue at a work session which may be called by the mayor or three (3) councilmembers. *(Amended 11/1/2005; 6/14/2012)*
3. **Called Meetings.** A called meeting may be scheduled by the mayor or at the request of three (3) councilmembers. When any called meeting is to be held, the City will give due notice thereof, the posting of a written notice for at least 24 hours at the place of regular meetings and giving of written or oral notice at least 24 hours in advance of the meeting to the legal organ in which notices of sheriffs' sales are published in the County where regular meetings are held and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the County, notice by telephone or facsimile to that requesting media outlet at least 24 hours in advance of the called meeting. *(Amended 6/14/2012)*
4. **Emergency Meetings.** When special circumstances occur and are so declared by the Mayor and Council at the meeting, they may hold a meeting with less than 24 hours notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances including notice to said legal organ or a newspaper having a general circulation in the County at least equal to that of the legal organ, in which event the reason for holding the meeting within 24 hours and the nature of the notice shall be recorded in the minutes. Any oral notice required or permitted by this subsection may be given by telephone. *(Amended 6/14/2012)*
5. **Executive Session.** Executive sessions of the mayor and council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. §§ 50-14-2 and 51-14-3. Minutes of the executive session may be maintained by the city clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosures, except that disclosures of such portions of minutes identifying real estate to be acquired by the mayor and council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated. Voting on any issue shall not take place during a closed meeting but shall be done, if appropriate, in open session following the executive session.

When any meeting is closed to the public pursuant to Georgia Law, the specific reasons for such closure shall be entered upon the official minutes, the meeting shall not be closed to the public except by a majority vote of a quorum present for the meeting, the minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Where a meeting is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public, and the minutes of such portions not subject to any such exception shall be taken, recorded, and open to public inspection as provided in Georgia Law.

Executive session minutes must be kept, but are confidential unless reviewed by a court in chambers. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosures, except that disclosures of such portions of minutes identifying real estate to be acquired by the mayor and council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated. Voting on any issue shall not take place during a closed meeting but shall be done, if appropriate, in open session following the executive session. The executive session minutes will specify each issue discussed in executive session. If matters are discussed subject to the attorney-client privilege, the fact

that an attorney-client discussion occurred and the subject shall be identified, but the substance of the discussion need not be recorded or identified in the minutes [§ 50-14-1(e)(2)(C)]. If a non-exempt topic is brought up in executive session, the Mayor must immediately rule the discussion out of order. If the non-exempt discussion continues, the chairman must adjourn the meeting. When any meeting is closed to the public, the Mayor and Council shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

Criminal penalty for violation of the Sunshine Laws is up to \$1000. However, the court, as an alternative, may impose civil penalties of up to \$1000 against a person violating the open meetings act. The penalties will increase to \$2500 for subsequent violations in the same calendar year. *(Amended 6/14/2012)*

6. **Agenda and Minutes.** A formal, written agenda, following the official order, shall be prepared in advance of each meeting. The meeting agenda will be available to the general public a week in advance, and a notice containing such information will be posted and maintained in a conspicuous place available to the public at the regular meeting place of the agency and on any City website. The agenda shall list all items to be considered at a particular meeting and briefly state what action is requested. All items timely submitted by city officials and staff to be on the agenda shall be placed on the agenda, and no one shall prohibit such a timely request from appearing on the agenda. Public requests to have an agenda item require clearly advising the Clerk of the nature and details of the item, provision to the City Clerk at time of request of all supporting documentation to be referenced in the meeting, and being sponsored/approved as an agenda item by the Mayor or a council member. To appear on a regular monthly meeting's agenda, the item must be submitted to the Clerk by 1 p.m. on the Friday preceding the scheduled regular monthly meeting. The agenda, together with data, reports, and memoranda, should be sent early enough to reach each Member at least 3 days before the meeting.

Any item received after the deadline will be held over for the next meeting unless a majority present at the meeting vote to add it to the agenda. For specially called meetings, other than the regularly scheduled monthly meeting, the agenda shall consist only of the item or items specifically indicated as the purpose of the called meeting in accordance with the Open Meetings Act. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

A summary of the subjects acted on and those members present at a meeting shall be written and made available to the public for inspection within 2 business days of the adjournment of a meeting. The minutes of a meeting shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency, but in no case later than immediately following the next regular meeting, but nothing herein shall prohibit the earlier release of minutes, whether approved or not. Said minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes, who voted for and against.

Official minutes of the meetings shall be maintained in the City Office. Copies of contracts, maps, or similar material or documents related to actions taken may be included in the minutes or incorporated by reference to an alternate location. Where incorporated by reference, such documents shall be stored in a central location or locations identified by ordinance or resolution. All meetings of the Mayor and Council shall be held in accordance with the provisions of *O.C.G.A. § 50-14-1 et seq.* The public shall at all times be afforded access to all meetings other than executive sessions. *(Amended 6/14/2012)*

Section 3-205 **Reserved**

Section 3-206 **Rules for the Conduct of Business**

Except as otherwise provided in this Section, Roberts' Rules of Order shall govern the conduct of City Council meetings.

1. **Call to Order.** All meetings of the City Council shall be open to the public. The Mayor, or in his absence, the Mayor pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the City Council meeting to order.
2. **Roll Call.** Before proceeding with the business of the City Council, the City Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

3. **Quorum.** The mayor or mayor pro tempore and two (2) council members shall constitute a quorum at any regular or special meeting of the City Council and an affirmative vote of a majority of votes cast shall be sufficient to permit the conduct of all business except that for which a larger vote has been mandated by this code.
4. **Order of Business.** The business of the City Council shall be taken up for consideration and disposition in the following order:
 - A. Call to order by presiding officer;
 - B. Roll call;
 - C. Approval of minutes of previous meeting;
 - D. Petitions and communications;
 - E. Reports of standing committees;
 - F. Reports of special committees;
 - G. Unfinished business;
 - H. New business;
 - I. Adjournment.
5. **Reading of Minutes.** Unless a reading of the minutes of a City Council meeting is requested by a member of the City Council, such minutes may be approved without a reading if the City Clerk has previously furnished each member with a copy thereof.
6. **Reports By Committees.** Any business coming before the City Council concerning the subject matter of which any standing or special committee has jurisdiction, may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the Mayor or by the City Council, or any member of the City Council, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the City Council, or show good cause why no report is made, Such reports shall not be in writing unless so directed by the presiding officer.

Each standing committee shall examine the matters within its jurisdiction, and make such reports and recommendations from time to time as may be necessary.

7. **Manner of Addressing Council.** No member, while the City Council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
8. **Limitations on Addressing City Council.** Any person not a member of City Council who desires to address the City Council shall first secure the permission of the presiding officer, and then shall step up in front of the rail, give his name and address in an audible tone of voice for the record, and direct his remarks to the City Council as a body rather than to any particular member, limiting such remarks to five (5) minutes unless additional time is granted by City Council.
9. **Ordinances, Resolutions, Regulations, Contracts and Inter-local Agreements.** Unless otherwise provided in this code, all ordinances, resolutions, contracts, and inter-local agreements of the City shall be prepared, approved, introduced, and adopted in the following manner:
 - A. **Preparation.** All ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, or requested in writing by the Mayor, or prepared by the City Attorney on his own initiative.
 - B. **Administrative Staff Approval.** All ordinances, resolutions, and contract documents shall, before presentation to the City Council, have been approved as to form and legality by the City Attorney or his authorized representative, and shall have been examined and approved for administration by the Mayor or his authorized representative where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would involve and be approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the Mayor with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or objection is not withdrawn and approval in writing given, then the Mayor shall so advise the City Council and give the reasons advanced by the department head for withholding approval.
 - C. **Introduction and Adoption.**
 - (1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "the Council of the City of Walnut Grove hereby ordains. . ." and every ordinance shall so begin.

- (2) An ordinance may be introduced by any member of the City Council and be read at a regular or special meeting of the City Council. Upon introduction of any ordinance, the City Clerk shall, as soon as possible, distribute a copy to the Mayor and to each member of the City Council and shall file a reasonable number of copies in the office of the City Clerk and at such other public places as the City Council may designate.
 - (3) No ordinance shall be put on its final passage on the same day it is introduced.
 - (4) All ordinances shall have two (2) separate readings, but the second and third readings shall never be had on the same day. *(Amended 10/23/07)*
 - (5) No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this code.
 - (6) An ordinance, resolution, or contract shall be deemed, adopted, or rejected by the City Council in accordance with Section 2.26 of the Walnut Grove charter. Such ordinances adopted by the City Council shall have the full force and effect of law.
- D. Effective Date.** Except where applicable in Section 3-206(9)(E) of this chapter or for a zoning ordinance amendment, no ordinance shall become law until Noon on the tenth (10th) calendar day after its adoption.
- E. Emergencies.** To meet a public emergency affecting life, health, property, or public peace, the City Council may convene on call of the Mayor or three (3) members of the City Council and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) members of the City Council shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.
- 10. Recording Vote.** Whenever any member shall request it the yeas and nays of the members present shall be recorded on the minutes on any question taken.
- 11. Questions of Order.** The presiding officer shall decide all questions of order, but any councilmember who is dissatisfied with the decision may appeal to the City Council in the manner provided by Roberts' Rules of Order for appealing from decisions of presiding officers.
- 12. Elections.** All elections by the City Council shall be by ballot, and a majority vote of the whole City Council shall be necessary to an election.
- 13. Executive Session.** The City Council may, at any time, upon call therefore by the presiding officer or upon motion duly carried by a councilmember, meet in executive session. Attendance at such sessions shall be limited to the Mayor and members of City Council and such invites as shall be invited with the unanimous consent of the Mayor and City Council.

Section 3-207 Legislative Authority Generally

The City Council shall exercise the legislative functions of the City, and may pass any ordinance or resolution that deems best for the government of the City in the manner set forth in this chapter; provided, that same is not in conflict with the charter of the City, the Constitution or laws of the State of Georgia, or the Constitution or laws of the United States.

ARTICLE III. THE MAYOR

Section 3-301 General Authority

The Mayor shall be the chief executive and administrative officer of the City government, shall enforce the laws of the City, and shall require the faithful performance of all administrative duties.

Section 3-302 Duties

The Mayor shall have the following duties:

1. **Preside at Meeting.** To preside at all meetings of the City Council, but the Mayor shall not be allowed to vote at such meetings except in the case of a tie vote by the City Council on any question;
2. **Head of the City.** To act as the head of the City for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the City and the chief advocate of policy;
3. **Oaths and Affidavits.** To administer oaths and to take affidavits;
4. **Improvements.** Recommend to the council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its citizens as the mayor may deem expedient;
5. **Dismissal, Suspension, and Discipline of Officers and Employees.** To dismiss, suspend, or discipline for cause all officers and employees appointed or elected by the Mayor and City Council provided that for the purposes of this Section "cause" shall be construed to mean:
 - A. Negligence or inefficiency in performing the duties of the position held;
 - B. Unfitness to perform assigned duties;
 - C. Insubordination;
 - D. Misconduct;
 - E. Conduct reflecting discredit on the department;
 - F. Failure to report for work without justifiable cause;
 - G. Chronic absenteeism; or
 - H. Political activity in violation of municipal regulations;
6. **Preparation of Annual Budget.** To prepare and submit to the City Council a recommended annual operating budget and recommend a capital budget; and
7. **Executing Legal Documents.** To sign on behalf of the City all contracts, deeds, codes, ordinances, and other instruments executed by the City which by law are required to be in writing.
8. **Coordination with the Federal Insurance Administration.** For purposes of coordination with the Federal Insurance Administration, the Mayor or his designee shall be vested with the responsibility, authority, and means to:
 - A. Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, or flood-related erosion hazards.
 - B. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, or flood-related erosion areas.
 - C. Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, or flood-related erosion areas and cooperate with neighboring communities with respect to management of adjoining floodplain, and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - D. Upon occurrence, notify the Administrator in writing whenever the boundaries of the Community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Map and Flood Insurance Rate Map accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Appoints Mayor or his designee to maintain for public inspection and to furnish upon request for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and includes whether or not such structures include a basement, and if the structure has been flood-proofed; and

Agrees to take such other official actions, as may be reasonably necessary to carry out the objectives of the program. *(Adopted 1/14/2010)*

Section 3-303 Powers

The Mayor shall have the following powers:

1. **Rule Making.** To prescribe such rules and regulations as may be deemed necessary or expedient for the conduct of administrative agencies subject to his authority, and to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed;
2. **Investigation.** To investigate and to examine or inquire into, either by himself or by any officer or person designated for the purpose by him, the affairs or operation of any department, including the power to employ consultants and professional counsel when so authorized by the City Council to aid in such investigations, examinations, or inquiries;
3. **Overriding.** To set aside any action taken by a department head and to supersede him in the functions of his office;
4. **Delegation.** To direct any department to perform the work for any other department, and to authorize any department head or officer responsible to him to appoint and remove subordinates serving under such person;
5. **Voting.** To break a tie vote of the council members;
6. **Veto.** To approve or disapprove an ordinance within ten (10) days of receipt from the city clerk;
7. **Special Meetings.** To call special meetings of the Council as provided for in Section 2.17 of the Walnut Grove charter;
8. **Supervision of Officers and Employees.** To exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities; and
9. **Officer or Employee Suspension.** To suspend any appointed city employee or officer for cause, said suspension to be in effect until the next meeting of the council wherein the question of the employee's or officer's capability shall be decided by the council.

Section 3-304 Mayor pro tempore

The council shall have the right to elect one (1) of its members to serve as mayor pro tempore for a one-year term of office. The Mayor pro tempore shall act as in the place of the Mayor during his/her temporary absence or disability, and shall possess the powers of Mayor during the Mayor's disability or temporary absence.

Section 3-305 Acting Mayor

In the event of a vacancy in the office of Mayor the City Council may appoint one (1) of its members as acting Mayor to serve until the vacancy is filled at a regular or special election as provided by law.

Section 3-306 Removal

The Mayor may be removed from office for any one or more of the following causes:

1. By recall pursuant to Georgia Law; or
2. Pursuant to the terms of general law.

Section 3-307 Procedure for Removal

Removal of any elected officer from office shall be brought about in accordance with *O.C.G.A.* § 45-11-4 and shall be brought in the Walton County Superior Court.

Section 3-308 Compensation

The Mayor shall receive compensation, expenses, and benefits as provided by ordinance and in accordance with Chapter 35, Title 36 of the *O.C.G.A.*

ARTICLE IV. THE CITY CLERK/TREASURER

Section 3-401 Election

The City Council shall at its first regular meeting of each January, appoint a City Clerk/Treasurer.

Section 3-402 Term of Office

The City Clerk shall serve at the pleasure of the City Council.

Section 3-403 Bond

Before entering upon the duties of his office, the City Clerk/Treasurer shall give a good and sufficient bond, payable to the City Council, such bond to be fixed and approved by the City Council.

Section 3-404 Duties of City Clerk

The City Clerk shall have the following duties in his capacity as City Clerk:

1. To attend all meetings of the City Council;
2. To keep correct and full minutes of the proceedings of City Council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;
3. To receive all applications or petitions made to the City and to place them before the Mayor and City Council at the meeting of the City Council next succeeding the receipt thereof;
4. To issue all licenses, and keep a record thereof, and all badges and permits authorized by the City Council;
5. To attend all sessions of the Municipal Court;
6. To keep an execution docket, in which he shall enter the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
7. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this code or other rules, regulations, and ordinances of the City Council;
8. To be the custodian of the City seal and affix its impression on documents whenever required; and
9. To carefully preserve the records and documents belonging to the City which are not assigned to the custody of some other office, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.
10. To receive all money due the City Council, including taxes, licenses, fees, and other moneys belonging to the City and pay out the same only upon orders passed by the City Council and signed by the Mayor, or in his absence, the Mayor pro tempore;
11. To keep a book of accounts showing all money received on behalf of the City and the source and disposition thereof, which book shall be open for inspection by the public and members of the City Council;
12. To maintain a uniform system of accounts and keep such other records and accounts as may be required by statute or ordinance;
13. To furnish the City Council with quarterly statements detailing all receipts and payments of funds for the quarter; and
14. To enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the City.

Section 3-405 Reserved

Section 3-406 Compensation

The City Council shall provide for the compensation of the City Clerk.

ARTICLE V. RESERVED

ARTICLE VI. OFFICERS AND EMPLOYEES

Section 3-601 The City Attorney

1. **Appointment and Qualifications.** The City Attorney shall be appointed by the City Council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia and has been actively engaged in the practice of law for at least three (3) years preceding his appointment.
2. **Oath.** Before entering upon the duties of his office, the City Attorney shall take the oath prescribed by this code for City Officers.
3. **Powers and Duties.** The City Attorney shall be the legal advisor and representative of the City and in such capacity shall:
 - A. Advise the City Council, mayor, and other officers and employees of the city, when thereto requested, upon all legal questions arising in the conduct of City business;
 - B. Attend all meetings of the City Council as directed for the purpose of giving the City Council any legal advice requested by its members;
 - C. Prepare for execution all contracts and instruments to which the City is a party and approve, as to form, all bonds required to be submitted to the City;
 - D. Prepare, when authorized by the City Council, all charges and complaints against, and appear in the Municipal Court in the prosecution of every person charged with a violation of this code or City charter, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the City;
 - E. Represent and defend any and all suits and actions at law or equity brought against the City, unless otherwise directed by the City Council;
 - F. Make immediate reports to the Mayor and City Council of the outcome of any litigation in which the City has an interest;
 - G. Make an annual report to the Mayor and City Council of all pending litigation in which the City has an interest and the status thereof;
 - H. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise not involving or requiring payment as determined by the Mayor and Council.
 - I. Keep complete and accurate records of the following, which records shall forever remain the property of the City:
 - (1) All suits in which the City had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and
 - (2) All written opinions prepared by the City Attorney and all certificates or abstracts of titles furnished by him to the City, or any department or official thereof.
 - J. Render such other legal services as may be required by the Mayor or City Council.
4. **Compensation.** The City Attorney shall submit to the City Council a monthly bill for his services, itemizing the type of work performed for the City and the number of hours engaged in each type of work during the month.

Section 3-602 The City Engineer

1. **Appointment.** The City Engineer shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve until a successor is appointed and has qualified.
2. **Oath.** Before entering upon the duties of his office, the City Engineer shall take the oath prescribed by this code for City Officers.
3. **Duties.** The City Engineer shall advise the City Council and City officials on all engineering matters referred to him and shall, from time to time as required by the Mayor or City Council, make reports regarding public improvement, repairs of streets, bridges, and sidewalks, and prepare such other reports as the Mayor or City Council may request. He shall keep accurate maps, plats, and records of all public works, lands, or property owned by the City, and perform such other duties as may be imposed upon him by the Mayor or City Council.
4. **Compensation.** The City Engineer shall submit to the City Council a monthly bill for his services, itemizing the type of work performed for the City and the number of hours engaged in each type of work during the month.

Section 3-603 Public Officers and Employees - Labor Practices; Strikes by Public Employees Prohibited

1. As used in this Section, the term:
 - A. **Public Employee.** Any person holding a position by appointment or employment in the government of this state or any person holding a position which provides essential public services without which the public health, safety, welfare, or morals would be without which the public health, safety, welfare, or morals would be endangered, by appointment or employment in the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
 - B. **Public Employment.** The appointment or employment in the government of this state or the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
 - C. **Strike.** The failure to report for duty, the willful absence from one's position, the stoppage or deliberate slowing down of work, or the withholding in whole or in part of the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing change in the conditions, compensation, rights, privileges, or obligations of public employment; provided, however, that nothing in this article shall limit or impair the right of any public employee to express or communicate a complaint or opinion on any matter related to the conditions of public employment so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.
2. No public employee shall promote, encourage, or participate in any strike. Provided, however, that no right to collective bargaining currently recognized by law is abridged by this act.
3. No person exercising any authority, supervision, or direction over any public employee shall have the power to authorize, approve, or consent to a strike by one or more public employees; and such person shall not authorize, approve, or consent to such strike.
4. Any public employee who violates Code Section 45-19-2 shall be deemed to have terminated his or her employment; shall forfeit his or her civil service status, job rights, seniority, and emoluments, if any; and subsequent to such violation shall not be eligible for appointment or reappointment or employment or preemployment in public employment for a period of three (3) years after such violation except upon the following conditions:
 - A. His or her direct or indirect compensation shall in no event exceed that received by him or her immediately prior to the time of such violation;
 - B. His or her direct or indirect compensation shall not be increased for three (3) years after such subsequent appointment or reappointment or employment or preemployment; and
 - C. He or she shall be on probation for period of five (5) years following such appointment or reappointment or employment or preemployment, during which period he or she shall serve without tenure and at the pleasure of the appointing or employing officer of body.
5. Any person who is not a public employee and who shall knowingly incite, agitate, influence, coerce, persuade, or picket to urge a public employee to strike shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed one year, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or both.

Section 3-604 Code Enforcement Officer

1. **General Duties.** Ensure compliance with applicable zoning and nuisance codes, ordinances and regulations, business license regulation; issue notice of violation; perform follow-up inspections as necessary; respond to alleged violations; interview complainant and witnesses; take photographs of violations and document activities; investigate residential, commercial and industrial complaints; perform research to determine the approved conditional uses of property; contact owners and take actions to enforce City codes; inspect property for abandoned or inoperative vehicles; coordinate with various outside agencies regarding code enforcement activities including police, fire and health, report abatement; prepare related reporting documents; issue violation notices; follow-up to determine compliance; refer violators to the City Attorney; serve as a resource to other City departments regarding zoning and other code requirement; coordinate with City departments; maintain records and prepare reports and surveillance activities; respond to and resolve citizen inquiries and complaints; assist in

preparing case reports for court or administrative proceedings; testify in court and at administrative proceedings as necessary; perform related duties and responsibilities as required.

2. **Enforcement Procedures.** If legal action is required, a Summons to Court will be produced and served to the code violator. A copy of the summons will be filed in violator's case file. Once a Summons to Court is issued, the Code Enforcement Officer is required to attend court and present evidence and testimony regarding the case.
3. **Complaints.** If a complaint is registered with City Hall, or if Code Enforcement Officer inspections note a violation, Code Enforcement Officer will conduct an initial inspection to determine if the complaint is valid. If found to be a valid complaint, the Code Enforcement Officer will enforce the City ordinances as set forth in the Code of the City of Walnut Grove.

The case file will not be closed until action is taken to correct the violation.

4. **Compensation.** The City will pay the Code Enforcement Officer twenty dollars (\$20.00) per hour for a minimum of ten (10) hours per month and a maximum of twenty (20) hours per month.

(Approved 10/5/04)

Section 3-605 Reserved.

(Adopted 9/11/2007, Amended 3/14/2013 – eliminating City Marshal position.)

ARTICLE VII. PERSONNEL POLICY

Section 3-701 Personal Leave Days

1. It shall be the policy of the City of Walnut Grove that each full time employee shall be entitled to paid personal leave days pursuant to the schedule set forth below. Expectations are that such Personal Leave Days (PLD) will be used for illnesses, non-job related injuries of the employee and employee's immediate family, and to attend funerals and/or memorial services for family and friends. Immediate family shall mean parents, children, stepchildren, siblings, spouse, domestic partner, grandparents or any family member who lives with the employee and includes the same for the spouse's family. *(Amended 12/11/2011)*

<u>Employment Time Frame</u>	<u>Number of PLD Per Year</u>
A. Beginning with the 60th day following employee's initial hire date through the 59th month of continuous employment.	10 days
B. 60th month of continuous employment to the end of the 119th month of continuous employment.	20 days
C. Over 120 months of continuous employment.	30 days

2. Such Personal Leave Days shall not accumulate year to year.
3. Personal Leave Days shall be limited to the number of days already taken up to and including the date of separation arising from any resignation or other termination of an employee.
4. Subject to the sole discretion of the Mayor, any permanent part-time employee may be granted up to five (5) Personal Leave Days for illness, non-employment injury of an employee and/or employee's immediate family. Such employee shall be responsible for supplying any and all documentation, which in the judgment of the Mayor, may be needed to justify the granting of any PLD.
5. Part-time employee shall mean any individual who has been an employee of the City for at least six (6) month and who works a regular and continuous job with a regular schedule for thirty-two (32) hours or less per week, and is so classified as the city as part-time.

Section 3-702 Personnel Policy Handbook

The Personnel Policy Handbook adopted December 13, 2013 is incorporated by reference as if fully set out herein.

ARTICLE VIII. BOARDS, AGENCIES, AND COMMISSIONS

Section 3-801 Walnut Grove Recreation Commission

A Recreation Commission was established May 7, 1996. Mayor and Council shall appoint individuals to serve on the Recreation Commission. *(Adopted 9/3/96)*

Section 3-802 Planning and Zoning Commission

The Planning and Zoning Commission was established May 7, 1996. Mayor and Council shall appoint individuals to serve on this commission as needed. *(Adopted 5/5/87)*

Section 3-803 Library Board

- 1. Library Board Created.** There is hereby created a public library board to be known as the Walnut Grove Public Library Board.
- 2. Membership of the Board.**
 - A.** The Library Board shall consist of five (5) members who are residents of Walnut Grove. The Library Board shall be appointed by the Mayor and City Council to serve for a term of three (3) years or until their successors are appointed. Initially, appointments shall be made for one (1), two (2), and three (3) year terms. Annually thereafter, at the first regular City Council meeting of the calendar year, the Mayor and City Council shall appoint for three (3) year terms directors to take the place of retiring directors. Library Board members will recruit new and replacement members and make recommendations to the City Council.
 - B.** Members of the Library Board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.
- 3. Powers and Duties of the Board**
 - A.** The members of the Library Board shall serve in an advisory capacity only and shall have no executive or administrative powers of authority and this ordinance shall not be construed as depriving elected or appointed officials of the City of Walnut Grove of any power they may have under the laws of the State of Georgia or the Charter of the City.
 - B.** The Library Board shall represent the people of the library area, and shall make recommendations to the Mayor and City Council and to the staff for the supervision, management and operations of such library, and shall carry out the directives and policies established by the Mayor and City Council.
 - C.** The Library Board shall assist in the interview process of selecting and appointing a competent person to serve as Librarian.
 - D.** The Library Board shall make recommendations to the City Council and to the staff about rules and policies for the efficient and effective operation of the library, its services and programs.
 - E.** The Library Board shall act in such capacity as to allow the public the means to appeal or challenge any library rules, policies, fines or acquisitions made to the books, magazines, pamphlets, and other types of material that make up the library collection.
 - F.** The Library Board shall be authorized to accept donations, gifts, and bequests from individuals, firms, or companies, other than library related materials, for the general use of the library system. Monetary contributions shall be deposited to the City in a separate general fund Library Board account in accordance with established City policies and procedures, and shall be subject to regular City audit and budgetary procedures. All donations made to the library are limited to expenditures made by and for the library in accordance with City purchasing policies and restrictions.
 - G.** The Library Board shall make recommendations to the Mayor and City Council for the acceptance, use or expenditure or any real or personal property or funds donated to the library under subparagraph E above, and make recommendations for the purchase, control, or disposal of real and personal property necessary for the purposes of the library.
 - H.** The Library Board shall make recommendations for the selection of sites for public library buildings or for location of library facilities.
 - I.** The Library Board shall review and recommend to the Mayor and City Council terms for contracts and working relationships with private and public agencies regarding library services.

- J. The Library Board shall develop and recommend to the Mayor and City Council through the Librarian, long-range plans for library service, consistent with City priorities.
 - K. The Library Board shall render, by the Librarian to the Mayor and City Council, monthly attendance, minutes, reports, recommendations, and budgetary items for capital improvements and resolutions of the Library Board.
4. **Charter Bylaws.** The Library Board is authorized to establish its own Charter and Bylaws, and shall provide for the regular and special meetings and procedures necessary to carry out its business. Such Charter and Bylaws shall be reviewed and approved by the City Council at a minimum of every three (3) years, or whenever the Library Board amends same.
 5. **Incurring Expenses.** The Library Board shall not be authorized to incur, on behalf of the City, any expenses incident to the operation of the library.
 6. **Internal Administrative Policies and Procedures.** The Mayor and City Council shall be the fiscal and internal administrative agent for the public library and the library shall operate in conformance with City administrative procedures in pertaining to the following:
 - A. Personnel, including recruitment, selection, classification and pay for library personnel.
 - B. Receipt, disbursement, and accounting for monies.
 - C. Maintenance of general books, cost accounting records, and other financial documents.
 - D. Budget administration.
 - E. Operation and maintenance of equipment and buildings.
 7. **Prohibited Action.**
 - A. It shall be unlawful for any person to willfully or maliciously detain any library materials belonging to the public library for over thirty (30) days after notice in writing from the Librarian that the library material is past due.
 - B. No person shall violate any rule or regulation adopted by the Mayor and City Council relating to the use of the library.
 - C. No person shall willfully or maliciously mark, tear or in any manner injure, deface, mutilate or destroy any library materials belonging to the library.
 8. **Penalties.** Any person violating any provision of this ordinance is punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or imprisonment in the Walton County jail for not more than thirty (30) days. Such conviction and payment of the fine shall not be construed to constitute payment for library material, nor shall a person convicted for a violation of this ordinance be thereby relieved of any obligations to return such material to the library.

(Adopted 6/10/08)

ARTICLE IX. LOCAL GOVERNMENT AUTHORITIES

Section 3-901 Registration of Local Government Authorities

1. This Code Section shall be known and may be cited as the "Local Government Authorities Registration Act."
2. The General Assembly finds that there is a need for the state to create and maintain a record of all local government authorities. Such a record can best be maintained through annual registration of all local government authorities.
3. The purpose of this Code Section is to prescribe a registration process for all local government authorities authorized to operate in the State of Georgia by general statute, local law, or local constitutional amendment.
4. As used in this Code Section, the term:
 - A. Debt includes all long-term or short-term credit obligations including, but not limited to, mortgages, bonds, loans, notes, interest bearing warrants, and advances. For the purposes of this Code Section, debt shall also include lease-purchase obligations.
 - B. Local Government Authority includes without limitation instrumentalities of one or more local governments created to fulfill a specialized public purpose or any other legally created organization that has authority to issue debt for a public purpose independent of a county or municipality, not to include state authorities. Local government authorities include joint authorities, regional authorities, hospital authorities, housing authorities, residential care facilities for the elderly authorities, resource recovery development authorities, solid waste management authorities, downtown development authorities, airport authorities, industrial, payroll and other development authorities, transit authorities, water and

sewer authorities, parking authorities, recreation authorities, stadium and coliseum authorities, building authorities, public service authorities, or any other local government authority regardless of name. Such local government authorities may have been created by local constitutional amendment, general statute, or local law.

5. All local government authorities authorized to operate in the State of Georgia must register annually with the Department of Community Affairs.
6. Any local government authority which fails to register with the Department of Community Affairs shall not incur any debt or credit obligations until such time as it meets the registration requirement. Failure to register shall not have any adverse affect on any outstanding debt or credit obligation.
7. The Department of Community Affairs shall establish registration and reporting procedures for local government authorities. Such procedures shall include, but are not limited to, information on the authority's legal name, function, date and means of creation, contact person, address, and telephone number.
8. The Department of Community Affairs shall establish reasonable fees for the work related to administration and enforcement of this Code Section; provided, however, no fee shall be charged or allowed for the annual registration as required in this Code Section.
9. The Department of Community Affairs shall maintain a certified list of registered local government authorities, available on request. The department shall forward annually to the judge of the probate court in any affected county the registration information for all authorities operating in that county.
10. Local government authorities shall initially register on or before January 1, 1996, and shall register on or before January 1 of each year thereafter.

Section 3-902 Walnut Grove Downtown Development Authority

1. There is hereby activated in the City the public body corporate and politic known as the "Downtown Development Authority of Walnut Grove" which was created upon the adoption and approval of the Downtown Development Authorities Law.
2. There are hereby appointed as members of the first Board of Directors of the Downtown Development Authority of the City, the following named persons, each of whom shall be:
 - A. A taxpayer residing in the municipal corporation for which the authority is created;
 - B. An owner or operator of a business located within the downtown development area and a taxpayer residing in the County in which is located the municipal corporation for which the authority is created. One such director (authority member) may be a member of the governing body of the municipal corporation and not less than four (4) shall be or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area (hereinafter defined).

Names	Term of Years
Mr. Wayne Dimsdale.	two
Mr. Ryan Myers.	two
Mrs. Jaclyn Myers.	four
Mr. Justin Myers.	four
Mr. John Pringle.	six
Mr. Tommy Cross.	six
Mr. David Swearengin.	six

3. Commencing with the date of adoption of this resolution [May 13, 2008] each of the persons named above as directors shall serve in such capacity for the number of years set forth opposite his or her respective name, however, that the terms shall be four (4) years for those directors appointed or reappointed on or after July 1, 1994. The term of a director (authority member) who is also a member of the governing body of a municipal corporation shall end when such director (member) is no longer a member of the governing body of the municipal corporation.
4. The Board of Directors hereinbefore elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provision of the Downtown Development Authorities Law as it now exists and as it might hereafter be amended or modified.
5. The "downtown development area" shall be that geographical area highlighted in yellow on the map in Exhibit A, attached hereto and made a part hereof by reference and all properties which in abut the Walnut Grove

Parkway, which area, in the judgment of the Mayor and Council of the City, constitutes the “central business district” of the City as contemplated by the Downtown Development Authorities Law.

6. The City shall furnish promptly to the Secretary of State of the State of Georgia a certified copy of this resolution in compliance with the provisions of the Downtown Development Authorities Law.
7. The action taken by the Mayor and Council of the City as herein specified is not intended in any way to affect any public corporation, industrial development, downtown development, or payroll authority previously created by legislative act or constitutional amendment including, without limitation, its existence, purpose, organization, powers or function.

(Adopted 5/13/08)

ARTICLE X. EMPLOYEE BENEFITS

Section 3-1001 Employee Health Insurance

Health insurance may be provided by the City to City employees. *(Adopted 9/1/87)*

Section 3-1002 Social Security

The City of Walnut Grove, Georgia shall extend at the earliest date possible under the agreement entered into by the State of Georgia and the Federal Social Security Administration, to the employees and officials thereof, and it instrumentalities, not excluded by law or by this Section, the benefits of the System of Old Age and Survivors Insurance as authorized by the Federal Social Security Act, the State Enabling Act, and amendments thereto. In pursuance of said policy, and for the purpose, the City shall take such action as may be required by applicable State or Federal laws or regulations.

(Adopted 8/2/88)

Section 3-1003 Workman’s Compensation

The City shall provide Workman’s Compensation benefits to City employees. *(Adopted 3/6/90)*

ARTICLE XI. SEXUAL HARASSMENT POLICY

Section 3-1101 Background

Harassment on the basis of a person’s sex by a supervisor, co-worker or other person is a discriminatory practice which violates Title VII. Of the Civil Rights Act of 1964 and regulations passed by the United States Equal Employment Opportunity Commission. Aside from being illegal, sexual harassment undermines the integrity of individual work relationships and damages the morale of the entire work force.

Section 3-1102 Policy

It is the policy of this Government that all employees are entitled to work in an environment free from all forms of illegal discrimination including that which is based upon a person’s sex. Accordingly, any practice or activity which constitutes sexual harassment is strictly forbidden within County work places and shall, if substantiated in accordance with this policy, result in disciplinary action.

Section 3-1103 Prohibited Conduct

1. **Definition.** Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment; or
 - B. Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person; or

- C. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance;
or
 - D. Such conduct creates an intimidating, hostile or offensive work environment.
2. **Sanctions.** Sexual harassment is a serious violation of the work rules of this government and, if proven, shall be grounds for the imposition of discipline. Potential sanctions for the offense shall range from a minimum of five (5) days suspension without pay to termination, depending upon the following:
- A. The individual facts of any given case; and
 - B. Upon establishment of the offense by a substantial amount of credible evidence, the employment record of the person committing such harassment.

Section 3-1104 Employee Rights

Any employee who believes that another employee is engaging in sexual harassment may file a complaint within a reasonable period of time after the event (normally not more than one hundred eighty (180) days).

Section 3-1105 Retaliation Prohibited

No person filing a complaint under this policy or who legitimately assists another in the prosecution of any such complaint shall be subjected to retribution or retaliation of any kind for doing so.

Section 3-1106 Filing Complaints

- 1. **Filing of Complaints.** All complaints of sexual harassment shall be filed with either an immediate supervisor, a manager or the Fair Practices Manager.
- 2. **Investigation.**
 - A. Complaints filed under this policy shall be promptly and thoroughly investigated by the Fair Practices Manager or an individual designated by the Mayor and Council in the event the Fair Practices Manager is unable to perform this function due to circumstances surrounding the complaint.
 - B. Upon completion of the investigation, the Fair Practices Manager shall prepare a comprehensive report addressing all allegations in the complaint and objectively documenting all relevant factual findings of the investigation. The investigatory report shall contain neither conclusions concerning the complaint nor recommendations as to disposition.
 - C. The investigative report shall be presented to the Mayor and Council upon completion and within fifteen (15) days after receipt of the complaint. This time requirement may be extended by the Mayor and Council, in writing, upon request of the investigator and good cause shown for such an extension.

Section 3-1107 Adjudication

- 1. All complaints of Sexual Harassment shall be adjudicated by the Mayor and Council.
- 2. Upon receipt of the completed investigative report, the Mayor and Council shall conduct an administrative hearing at which the report shall be presented and considered. Hearings shall be conducted before a court reporter empowered to take testimony under oath. The court reporter shall require all witnesses to provide testimony under oath and shall prepare a verbatim transcription/recording of the proceedings which shall serve as the official record of the hearing.
- 3. The accused employee shall be notified, in writing, at least ten (10) days before the hearing of the complaint and the underlying allegations. The accused employee may request one (1) postponement of the hearing upon receipt of the notice in order to obtain legal counsel, however the delay occasioned by such request shall not exceed thirty (30) days from the date of receipt of the notice by the accused employee.
- 4. The accused employee shall be entitled to attend the hearing and testify in his or her own behalf, and shall be entitled to confront and cross-examine the employee who filed the complaint. In the event that the complainant elects not to attend the administrative hearing and upon objection from the accused to the complainant's absence, the complaint shall be dismissed and the accused deemed innocent of the allegations.
- 5. The accused employee shall be entitled to call witnesses in his or her own behalf and to introduce evidence which bears upon the issues presented by the complaint and investigative report.
- 6. At the conclusion of the hearing, or within five (5) days thereafter, the Mayor and Council shall make findings concerning the innocence or guilt of the accused of the offense of sexual harassment.

7. A finding of guilt must be supported by substantial, credible evidence that;
 - A. The facts alleged by the complainant occurred are true; and
 - B. Those facts constitute sexual harassment within the meaning of this policy; and
 - C. The accused is the person who committed the acts amounting to sexual harassment.

Section 3-1108 Responsibility

1. **Supervisors.** Each supervisor has a responsibility to maintain the work place free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment.
2. **City Clerk.** It is the responsibility of the City Clerk to:
 - A. Provide information to managers and supervisors regarding this policy specifically, and sexual harassment generally; the gravity of such behavior; and the procedure to be employed in the event a complaint of sexual harassment is made or conduct amounting to sexual harassment is observed.
 - B. Provide necessary training to managers and supervisors in order to reduce the likelihood of sexual harassment in the work place.

Section 3-1109 False Accusations

Due to the serious and private nature of this offense, false accusations of sexual harassment are, and will be treated as, a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

ARTICLE XII. PUBLIC PROPERTY

Section 3-1201 Table and Chairs

City table and chairs will not be loaned to any organization or individual.

Section 3-1202 City Property Used by the Walton County Fire Department

The areas of the Walnut Grove City Hall listed below are designed for exclusive use by the Walton County Fire Department for the period during which the fire services agreement, between the City of Walnut Grove and Walton County, or until said Fire Department vacates such premises, whichever should first occur.

1. Three (3) truck bays.
2. Bunk room and shower.
3. Dayroom (formerly known as community room).
4. Outside storage room.

(Approved 2/6/96)

Section 3-1203 Reserved

Section 3-1204 Acquisition of Real Property, by Purchase or Gift, to Be Used as a Park or Recreational Area

A county, municipality, local board of education, or public authority created by local or general law may not accept a gift of or otherwise acquire real property which is intended to be used for a park or recreational area unless, prior to such acceptance or acquisition, such political subdivision or authority retains an environmental health engineer for a phase 1 environmental assessment to examine the property for contaminants, hidden methane gas, and similar hazards which would be dangerous to public use of such property and receives a report regarding any discovered dangers. If such report discloses significant dangers, the property shall not be accepted or acquired unless the danger is eliminated; otherwise, such property may be accepted or acquired.

At least every twenty (20) years after property has been accepted or acquired pursuant to the above paragraph, the political subdivision or authority shall retain an environmental health engineer to retest the property for hazards.

Section 3-1205 Motor Vehicles

Every motor vehicle which is owned or leased by any county, municipality, regional development center, county or independent school system commission, board, or public authority or which has been purchased or leased by any public official or public employee with public funds shall have affixed to the front door on each side of such vehicle a clearly visible decal or seal containing the name of or otherwise identifying such governmental entity. The requirements of *O.C.G.A. § 36-89-1* shall not apply to: (1) any vehicle used for law enforcement or prosecution purposes; or (2) any vehicle owned or leased by a county or municipality expressly excepted from the provisions of *O.C.G.A. § 36-89-1* by a resolution or ordinance adopted by the governing authority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subject held no more than fourteen (14) days prior to the adoption of the ordinance or resolution.

ARTICLE XIII. CITY RECORDS

Section 3-1301 City Records

City records shall be maintained in accordance with the Record’s Management Book.

(Adopted 1/3/84)

CHAPTER 4: REVENUE AND FINANCE

Section

ARTICLE I. TAXES

- 4-101 Reserved
- 4-102 Malt Beverage Excise Tax
- 4-103 Wine Excise Tax
- 4-104 Alcoholic Beverage Excise Taxes
- 4-105 Distilled Spirits Sold by the Package; Excise Tax.
- 4-106 Distilled Spirits Sold by the Drink; Excise Tax
- 4-107 Mixed Drinks; Excise Tax
- 4-108 Gross Direct Premiums Tax
- 4-109 Reserved
- 4-110 Reserved
- 4-111 Public Utility Franchise Tax
- 4-112 Local Option Sales Tax
- 4-113 Local Option Income Tax
- 4-114 Municipal Tax Sales
- 4-115 Reserved
- 4-116 Reserved
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ARTICLE II. MUNICIPAL BONDS

- 4-201 Preliminary Review by Finance Committee
- 4-202 Bond Ordinances
- 4-203 Bond Sales
- 4-204 Bond Records
- 4-205 Registration of Bonds
- 4-206 Lost, Destroyed, or Defaced Bonds
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ARTICLE III. BUDGET

- 4-301 Fiscal Year
- 4-302 Requirement of Annual Balanced Budget
- 4-303 Adoption of Budget Ordinances or Resolutions
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- 4-305 Procedures for Adoption of Budget
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ARTICLE I. TAXES

Section 4-101 Reserved

Section 4-102 Malt Beverage Excise Tax

1. **Rate of Levy.** Municipalities permitting the sale of malt beverages shall impose an excise tax, in addition to the excise taxes levied by the state, as follows:
 - A. Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of ten dollars (\$10.00) on each container sold containing not more than thirty-one (31) gallons and a proportionate tax at the same rate on all fractional parts of thirty-one (31) gallons;
 - B. Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of five cents (\$.045) per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces.
 - C. A tax on all such beverages in excess of 576 ounces or two standard cases of 12 ounce size or the equivalent thereof or one 7.75 gallon keg or barrel of such beverages at the same rates of taxation as imposed in this part for other such beverages and on which the taxes are not otherwise imposed by either paragraph A or B of this section.
2. **Against Whom Levied.** The malt beverage excise tax is levied against and shall be paid by each licensed wholesale dealer in malt beverages in the municipality.
3. **Due Date and Required Report.** The malt beverage excise tax shall be paid on or before the tenth (10th) day of the month following the calendar month in which the beverages are sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of malt beverages sold for the preceding calendar month by size and type of container.

Any tax remaining unpaid at the expiration of fifteen (15) days from the due date shall be delinquent.

4. **Enforcement.** The tax levied by this Section may be enforced by execution in the same manner as other taxes of the City, and in addition, any failure of payment of such tax shall be grounds for revocation or refusal of the business license of the delinquent taxpayer.

5. **Exemption.** Malt beverages which contain less than one-half ($\frac{1}{2}$) of one percent (1%) alcohol by volume shall not be subject to any tax levied under Title 3 of the Official Code of Georgia Annotated or any tax levied pursuant to authority granted by said title.

Section 4-103 Wine Excise Tax

1. There shall be levied and imposed on the first sale, use, or final delivery within this state of all table wines an excise tax in the amount of 11 cent(s) per liter and a proportionate tax at the same rate on all fractional parts of a liter.
2. There shall be imposed upon the importation for use, consumption, or final delivery into this state of all table wines an import tax in the amount of 29 cent(s) per liter and a proportionate tax at the same rate on all fractional parts of a liter.
3. There shall be levied and imposed upon the first sale, use, or final delivery within this state of all dessert wines an excise tax in the amount of 27 cent(s) per liter and a proportionate tax at the same rate on all fractional parts of a liter.
4. There shall be levied and imposed upon the importation for use, consumption, or final delivery into this state of all dessert wines an import tax in the amount of 40 cent(s) per liter and a proportionate tax at the same rate on all fractional parts of a liter.
5. Wines which contain less than one-half ($\frac{1}{2}$) of one percent (1%) of alcohol by volume shall not be subject to any tax levied under this Title 3 of the *O.C.G.A.* or any tax levied pursuant to authority granted by said title.

Section 4-104 Alcoholic Beverage Excise Taxes

1. **Levy and Computation.** Taxes levied and imposed on the sale of malt beverages, wine, and distilled spirits shall be levied pursuant to sections 4-102, 4-103, 4-105, 4-106, and 4-107 of this code.
2. **Reports; Payments.**
 - A. Each wholesale dealer selling to any retail dealer in the City to whom the taxes in this article apply, shall file a report with the City Clerk by the 10th day of each month, itemizing for the preceding calendar month and exact quantities of all beverages by size and type of container sold within the City. The report shall show the name and address of each retail dealer with which the wholesaler did business in the City and any other information as may be required by the City Clerk for the administration of this article.
 - B. Each wholesale dealer shall become liable for such taxes levied by this article for the sale of alcoholic beverages to a retail dealer, at the time of delivery of the alcoholic beverages, and shall hold such taxes in trust for the City until the taxes are remitted to the City as herein provided.
 - C. The report shall be accompanied by remittance to the City of all taxes due under this article for the preceding month.
3. **Records.** Each wholesale dealer shall keep true and correct records, including invoices, of all sales, shipments or deliveries of beverages to retail dealers in this City. These records shall be preserved for at least one (1) year and shall be made available on request for inspection by any authorized representative of the City.
4. **Violations, Penalty; Revocation of License.**
 - A. **Distilled Spirits and Wine.** The excise tax levied in this article on distilled spirits and wine is hereby levied upon the retailer licensed to do business in the City and it is the intent of this Section to so levy this tax but require the payment of the tax at the time of delivery by the wholesaler to retailer, who shall have the responsibility of remitting the tax to the City on behalf of the retailer on or before the 10th day of each calendar month, as hereinbefore required. In the event the tax due hereunder is not paid on or before the 10th day of each calendar month, a ten percent (10%) penalty on the gross tax will be levied by the City against each defaulting retailing licensee for whom the tax is not paid on or before the 10th day of the month.
 - B. **Malt Beverages.** The excise tax levied in this article on malt beverages is hereby levied upon the wholesaler and it is the intent of this Section to so levy this tax but require the payment of the tax at the time of delivery by the wholesaler to retailer, who shall have the responsibility of remitting the tax to the City on behalf of the retailer on or before the 10th day of each calendar month, a ten percent (10%) penalty on the gross tax will be levied against the wholesaler.
 - C. **Noncompliance by Wholesale Dealer.** If any wholesale dealer or distributor fails or refuses to make the reports required herein, the City shall notify the dealer or distributor in writing and if the reports are not made and the taxes remitted within five (5) days from the date of the notice, the wholesale dealer or

distributor shall be prohibited from making any further deliveries in the City and the retail licensees served and any wholesale dealer or distributor from whom the taxes have not been paid shall be subject to having his license suspended or revoked as herein provided.

- D. The Mayor, City Clerk, or any person authorized in writing by either of such officers, may examine the books, papers, records, financial reports, equipment and other facilities of any wholesaler, distributor or retailer liable for the taxes imposed by this article, during normal business hours in order to verify the accuracy of any report or to ascertain and determine the amount required to be paid.
- E. **Violation and Penalties.** Any person, firm or corporation violating any of the provisions of this article or who shall assist any violating any of the provisions of this article or who shall assist any retail dealer in alcoholic beverages in the City to evade or avoid the payment of the taxes herein provided for shall be guilty of a violation of this Section and on conviction thereof in the municipal court shall be fined or sentenced as provided by this code and any such person shall be fined or sentenced as provided by this code and any such person so convicted shall also be subject to having any business license of the City issued to their person suspended or revoked.

Section 4-105 Distilled Spirits Sold by the Package; Excise Tax

The governing authority of each municipality where the sale of distilled spirits by the package is permitted, may, at its discretion, levy an excise tax on the sale of distilled spirits by the package at either the wholesale or retail level, which tax shall not exceed twenty-two cents (\$.22) per liter of distilled spirits, excluding forfeited wine, and a proportionate tax at the sale rate on all fractional parts of a liter.

The rate of taxation, the manner of its imposition, payment, and collection, and all other procedures related to the tax shall be as provided for by each municipality.

No county excise tax shall be imposed, levied, or collected in any portion of a county in which a municipality within the county is imposing the same tax on distilled spirits sold by the package.

NOTE: See O.C.G.A. § 3-4-60 for the state distilled spirits excise tax.

Section 4-106 Distilled Spirits Sold by the Drink; Excise Tax

The governing authority of each municipality in which the sale of distilled spirits by the drink is permitted may impose, levy, and collect an excise tax upon the sale of the beverages, which tax shall not exceed three percent (3%) of the charge to the public for the beverages.

This Section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.

Section 4-107 Mixed Drinks; Excise Tax

An excise tax of not more than three percent (3%) may be imposed by municipalities or counties on the sale of mixed drinks where the sales by a private club are lawful.

Section 4-108 Gross Direct Premiums Tax

- 1. **Rate of Levy on Life, Accident, and Sickness Insurers.** There is hereby set and levied for the year 2002 and for each calendar year thereafter upon each company authorized to write life, accident, and sickness insurance and to write life, accident, and sickness insurance and which is doing business within the municipal corporate limits an annual tax equal to one percent (1%) of the annual gross direct premiums received during the preceding calendar year from policies insuring persons residing within the corporate limits of the municipality.

The term "gross direct premiums" as used in this Section shall have the same meaning as that used in O.C.G.A. § 33-8-4. The tax levied by this subsection is in addition to any license fee imposed by this code. *(Effective 1/1/02)*

2. **Rate of Levy on All Other Insurers.** There is hereby set and levied for the calendar year 2002, and for each calendar year thereafter, upon each insurance company not taxed under the provisions of the preceding subsection (1) and which is doing business within the municipal corporate limits, an annual tax equal to two and one-half percent (2.5%) of the annual gross direct premiums received during the preceding calendar year from policies insuring persons residing within the municipal corporate limits. The tax levied by this subsection is in addition to any license fee imposed by this code. *(Effective 1/1/02)*
3. **Due Date and Required Report.** The gross direct premiums tax levied herein shall be due and payable upon the effective date of this code and then on the first (1st) day of January in each calendar year. Payment shall be made to the City Clerk and shall be accompanied by a report showing the names and addresses of the agents representing the insurance company in the City, the classes of insurance written, the premiums received for each class, and such other reasonable information as may be required. The required report shall be made on forms prescribed by the City Clerk and made out over affidavit of an officer of the company. Payments shall be deemed delinquent if not received within forty-five (45) calendar days from the due date.
4. **False Information.** It is hereby declared to be a violation of this Section for any person, firm, corporation, or agents thereof to knowingly give false or incomplete information on any report herein required to be filed.
5. **Confidentiality of Information.** All reports required to be filed under this Section shall be confidential and the information contained therein shall be used solely by the officers of the City responsible for the administration of this Section.
6. **Enforcement.** The taxes levied by this Section may be enforced by execution in the same manner as other taxes of this municipality.

Section 4-109 Reserved

Section 4-110 Reserved

Section 4-111 Public Utility Franchise Tax

1. **Rate of Levy.** There is hereby set and levied on each electric light and power company, gas company, telephone and telegraph company, water company, and any other public utility making use of the streets, alleys, or other public ways or places in the City of Walnut Grove for the purpose of rendering utility services, a franchise tax in the amount as set forth in the various franchise agreements entered into with respective utilities shall be received based on residential, commercial and industrial sales.
2. **Due Date and Required Report.** The public utility franchise tax shall be paid on or before the date set forth in various franchise agreements, and payment by a report showing the volume of gross sales by service classification (residential, commercial, industrial) for said preceding month.

Section 4-112 Local Option Sales Tax

The City Council is authorized to levy a local option sales tax in accordance with *O.C.G.A. § 48-8-85*.

Section 4-113 Local Option Income Tax

The City Council is authorized to levy a local option income tax in accordance with *O.C.G.A. § 48-7-144*.

NOTE: When a county or a municipality within a county levies a local sales and use tax, neither the county nor any municipality within the county may levy the local income tax authorized by this article during the same period of time. See O.C.G.A. § 48-7-199.

Section 4-114 Municipal Tax Sales

1. **Time, Place, and Manner of Sale.** The time, place, and manner of the sale of property, both real and personal, for taxes due this municipality shall be the same as that provided by law for sheriffs' sales for state and county taxes.
2. **Sale by Parcels.** When not impracticable, all property sold for municipal taxes shall be so offered for sale that the smallest amount that will bring the amount of taxes and costs shall alone be sold.

3. **Purchase by City.** The City Clerk shall attend all sales of property for taxes due the City and in the event no one person bids for the property put up to be sold as much as the tax due thereon, the City Clerk shall place a bid for such property for the City and, if the bid is accepted, take custody of the deed for the City. No property so purchased by the City shall ever be sold by the City except at a public sale thereof to the highest bidder.
4. **Redemption of Property Sold for Taxes.** Any person whose property is sold in obedience to an execution issued for the collection of municipal taxes shall have such rights of redemption of said property as are set forth in Chapter 4, Title 48 of the *O.C.G.A.* and any other provisions of law not inconsistent therewith.

Section 4-115 Reserved

Section 4-116 Reserved

Section 4-117 Sanitary and Health Service Fee

The City of Walnut Grove shall charge a fee of ten dollars (\$10.00) per month to cover cost associated with sanitary and health services necessary in the operation of the City. Such fee shall be collected from all individuals, firms, and corporations residing in or doing business in the City and benefitting from such services. Said sanitary fee shall be collected quarterly in advance. Payment of such fee shall be due on the first day of each calendar quarter, January 1, April 1, July 1, October 1 of each year. A late fee of two dollars and fifty cents (\$2.50) shall be added to each bill for the payment of such fees if not paid by the fifteenth (15) day of the month when such payment is due.

Payment of said sanitary fee shall be the responsibility of the owner or owners of the real estate and/or individuals, firms and corporations residing in or doing business at said real estate. *(Amended 5/13/08)*

If any owner, individual, firm or corporation is delinquent in the payment of the charges for refuse collection and sanitary and health services, the City Marshal and/or City Clerk may give written notice by registered or certified mail to said owner, individual, firm and/or corporation of any amounts due and payable to the City for this service. All recipients of said written notice of delinquency, shall have five (5) days from receipt of said written notice to satisfy in full, all amounts then due and owing to the City. Should the recipients of said written notice of delinquency, fail to pay all sums due and owing for this service, the City Marshal and/or City Clerk may bring an action in the Municipal Court of Walnut Grove to collect the amount delinquent together with any penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto. Collection of a judgment issued by the Municipal Court of Walnut Grove against any person, firm or corporation for failing to comply with the mandatory provisions of this ordinance by failing to pay all amounts due and owing for this service shall be in accordance with Georgia law. *(Amended 5/13/08)*

Said sanitary fee and the assessment thereof shall be a charge and lien against the real estate in respect to which said fees are so assessed and the owner or owners thereof, as set forth in Article VI, Section 6.15 of the Charter of the City of Walnut Grove.

(Effective 5/28/96)

ARTICLE II. MUNICIPAL BONDS

Section 4-201 Preliminary Review by Finance Committee

Prior to any issue of bonds by the City, the proposal for such issue shall be referred to the standing finance committee, which committee shall give careful consideration to the proposal and submit a recommendation to the City Council for approval or disapproval, with applicable reasons therefor.

Section 4-202 Bond Ordinances

1. **Contents of Bond Ordinances.** Any bond ordinance introduced for adoption as provided in this Section shall contain in substance the following:
 - A. An authorization for the issuance of obligations, stating in brief and general terms sufficient for reasonable identification the purpose or purposes for which the obligations are to be issued, a statement of the

- estimated maximum amount of bonds or notes to be issued, and the estimated cost of such purpose or purposes, but related improvements of properties may be treated as one improvement or property;
- B. A determination of the period of usefulness of the purpose according to its reasonable life computed from the date of the bonds or, if issued for several purposes, a determination of the average period of usefulness, taking into consideration the respective amounts of obligations authorized for the said several purposes;
 - C. A determination that the obligations authorized by the bond ordinance will be within the debt limitations prescribed by state law; and
 - D. A statement of the aggregate cost of the improvement or property sought to be financed, which cost may include the following:
 - (1) Interest on obligations until the end of the fiscal year in which the obligations are issued or until six (6) months after the completion of construction or acquisition;
 - (2) Architect's fees, accounting, engineering, and inspection costs;
 - (3) Costs of issuing and selling obligations;
 - (4) Legal expenses;
 - (5) Preliminary planning expenses;
 - (6) Test and survey expenses; and
 - (7) A reasonable proportion of the compensation and expenses of municipal employees in connection with the construction or acquisition of said improvement or property.
2. **Procedure for Adoption of Bond Ordinances.**
- A. **Introduction.** All bond ordinances shall be introduced in writing at a regular meeting of the Mayor and City Council, and at such meeting shall receive a first reading, which may be by title.
 - B. **Publication, Hearing, and Adoption.** Any bond ordinance introduced as hereinabove provided shall be published after first reading, together with notice of the date, time, and place set for further consideration and final passage. Such publication shall be at least ten (10) days after introduction and first reading and at least seven (7) days prior to the date for further consideration. At the time and place so advertised, or at any time and place to which such meeting or further consideration shall from time to time be adjourned, such bond ordinance may be read by its title, if:
 - (1) At least one (1) week prior to such date or further consideration, there shall have been posted, on a bulletin board or other place upon which public notices are customarily posted in the municipality:
 - (a) A copy of such bond ordinance, and
 - (b) A notice that copies of such bond ordinance will be made available during such week and up to and including the date of such meeting or further consideration to the members of the general public of the municipality who shall request such copies, naming the place at which such copies will be so made available; and
 - (2) Such copies of said bond ordinance shall have been made available accordingly, but otherwise such bond ordinance shall be read in full. All persons interested shall then be given an opportunity to be heard, and the Mayor and City Council shall proceed to amend the bond ordinance and thereupon finally adopt or reject it, with or without amendments.
 - C. **Final Adoption and Publication.** A bond ordinance shall be finally adopted by the recorded affirmative votes of at least two-thirds (2/3) of the full membership of the municipal governing authority.
3. **Effective Date of Bond Ordinances.** Unless otherwise provided for, such resolution or resolutions shall take effect immediately and shall not be laid over or published or posted.

Section 4-203

Bond Sales

1. **Private Sale - When Authorized.** All bonds shall be sold at public sale upon sealed proposals, except that bonds may be sold at private sale:
- A. Without any previous public offering:
 - (1) If constituting all or part of an authorized issue of twenty thousand dollars (\$20,000.00) or less, or
 - (2) If sold to any board, body, agency, commission, instrumentality, district, authority, or political subdivision of any local unit, the state, or the federal government; or
 - B. If no legally acceptable bid is received at advertised public offering, such bonds or any of them may be sold within thirty (30) days after the advertised date for public bidding; provided, however, that no bonds shall

bear interest at any rate of interest which is higher than the rate or maximum rate specified in the notice of sale, or contain substantially different provisions from those specified in said notice.

Any purchaser of bonds at private sale, other than a public body, shall deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company in an amount equal to five percent (5%) of the amount of bonds purchased and such amount shall be applied as in the case of a deposit made at public sale. Any private sale of bonds as permitted hereunder shall be made or confirmed by resolution of the Mayor and City Council adopted by not less than a two-thirds vote of the full membership thereof, which such resolution shall set forth the date, maturities, interest rate, and price of the bonds and the name of the purchaser.

2. **Publication of Notice of Bond Sale.** A public sale of bonds shall be advertised at least once and at least seven (7) days prior thereto in a newspaper of general circulation in the municipality and in a publication carrying municipal bond notices and devoted primarily to financial news or the subject of state and municipal bonds and published in the State of Georgia.
3. **Contents of Notice of Bond Sales.** A notice of public sale of bonds shall set forth:
 - A. The principal amount, date, denomination, and maturities of the bonds offered for sale;
 - B. The rate or rates of interest or maximum rate or rates of interest to be borne by the bonds;
 - C. The terms and conditions of such public sale; and
 - D. Such other provisions as may be determined by the Mayor and City Council.
4. **Procedure for Public Sale of Bonds.**
 - A. All bidders shall be required to deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company, equal to not less than two percent (2%) of the bonds to secure the municipality in part from any loss resulting from the failure of the bidder to comply with the terms of his bid, or as liquidated damages for such failure.
 - B. All bids for bonds shall be publicly opened and announced at the advertised time and place of sale. Such bids as comply with the terms of the notice of sale shall be considered, and any bid not complying with the terms of such notice may be rejected. All bids received may be rejected.
 - C. Bonds of two (2) or more issues may be sold on the basis of combined maturities, or the maturities of each issue offered for sale.
 - D. Bonds may be offered for sale at a single rate of interest, or bidders may be requested to name a single rate of interest, but no proposal shall be considered which offers to pay less than the principal amount of bonds offered for sale or which names a rate of interest higher than the lowest rate of interest stated in any legally acceptable proposal. As between proposals naming the same lowest rate of interest, the proposal offering to accept the least amount of bonds shall be accepted, the bonds to be accepted shall be those first maturing, and as between such proposals, the proposal offering to pay the greatest premium bid for the bonds shall in no event exceed one thousand dollars (\$1,000.00) for the principal amount of bonds offered for sale. In order to effect the foregoing, a sufficient number of the last maturing bonds shall be of the denomination one thousand dollars (\$1,000.00) or less.
 - E. Bonds may be offered for sale at different rates of interest of the same issue or different rates of interest for different issues, or parts thereof, or bidders may be requested to name any such rates of interest. No proposal shall be considered which offers to pay an amount less than the principal amount of bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the local unit under any legally acceptable proposal. Such net interest cost shall be computed in each instance by adding to the total principal amount of bonds bid for the total interest cost to maturity in accordance with such bid, and by deduction therefrom of the amount of premium bid, if any.
 - F. Additional terms or conditions of sale may be established by the Mayor and City Council.
5. **Sale of Bonds at One Time or in Installments.** Any issue of bonds may be sold at one time or in installments at different times. The maturities of an installment of bonds offered for sale, when combined with all maturities of the issue previously sold, shall be such as to comply with requirements as to maturities of a single issue of bonds. Any unsold part of an issue or installment may be sold notwithstanding that the maturities thereof, when considered alone, do not comply with such requirements.
6. **Power of Sale.** The Director of Finance of the City is hereby authorized and empowered to sell and award bonds in accordance with the advertised terms of public sale. Such officer shall report in writing to the Mayor and City Council at the next meeting thereof following such sale, which report shall indicate the principal amount, interest rate, and maturities of the bonds sold, the price obtained, and the name of each purchaser.

7. **Attorney's Fees.** Any qualified and practicing attorney at law who renders services in connection with the issuance and sale of bonds for this municipality shall be compensated for such services in an amount not exceeding one-tenth of one percent (0.1) of the amount of the bonds issued or proposed to be issued, provided that said fee shall not be less than as determined by Mayor & Council with respect to any one bond issue.
8. **Application of Proceeds.** The proceeds of the sale of municipal bonds shall be applied only to the purposes for which such obligations are authorized. If, for any reason, any part of such proceeds are not necessary for such purposes, such part shall be used to pay any outstanding obligations or to finance the cost of any other purpose of purposes which may be deemed proper by the Mayor and City Council.
9. **Prohibited Agreements.** In the issuance or sale of bond obligations, it shall be unlawful for the Mayor and City Council or any member thereof or any official:
 - A. To pay or agree to pay, directly or indirectly, any bonus, commission, fee, or other compensation or consideration for the issuance or for the sale of such obligations, and any amount so paid may be recovered for the municipality;
 - B. To make any agreement with any purchaser or bidder, or his representative, regarding the deposit or disposition of any monies received or to be received from such sale and every such agreement shall be void;
 - C. To make any agreements pertaining to the sale of bond obligations which contains provisions as to any other matter, and such sale and any such agreement shall be void;
 - D. To make any agreement or "service contract" with respect to publication of notice of sale and printing of bonds or notes, the providing of a legal opinion or for any of such services, whether or not accompanied by an offer to bid for or purchase such obligations. Any such agreement or contract shall be void, and any amount so paid may be recovered for the municipality; except, however, agreements made directly with a newspaper, bond printer, or an attorney licensed to practice law in the state in which he has his office.

A municipal bond dealer, banker, or financial expert may be engaged or employed as financial advisor to provide financial services in connection with the sale of bond obligations, including the preparation of a bidding circular or prospectus, but no such financial advisor shall purchase any such obligations at any public or private sale, but any such purchase shall not affect the validity of the obligations and the municipality shall recover any compensation and profit to such financial advisor resulting therefrom.

Section 4-204 Bond Records

A complete description of each bond issued by the City shall be kept by the City Clerk in a suitable book, which book shall be open to public inspection during regular business hours.

Section 4-205 Registration of Bonds

1. **Application for Registration.** Any holder of a bond issued by the City may register such bond as to principal and interest, or as to principal only, by making written application for such registration to the City Clerk and presenting the bond desired to be registered. Each application shall state (a) the number of bonds presented, (b) the issue, © the date, (d) the amount, (e) the date due, and (f) to what extent the bonds are to be registered; and each application shall be signed by the applicant who, if holding the bonds in any capacity other than for himself, shall sign the application in the name of the party for whose benefit he holds the bonds, state the capacity in which he signs, and attach proof of such capacity.
2. **Bond Register.** A bond register shall be kept on file in the office of the City Clerk in which, upon written application and presentation of the bond by the holder thereof as herein above provided, shall be entered a description of each bond so presented. Such description shall state (a) the bond number, (b) the nature of the issue, © the face amount, (d) the date issued, (e) the date of maturity, (f) the rate and due dates of interest, (g) whether the bond is registered as to principal and interest or as to principal only, (h) the name and mailing address of the bond holder, (l) the name of the person registering the bond, and (j) the capacity in which such person registered the bond. All bonds registered in compliance with this Section shall be non-negotiable to the extent registered.
3. **Statement of Registration and Form.** Upon registration of any bonds as herein above provided, the City Clerk shall stamp, print, or write upon each bond so registered a statement of the registration in the following form, inserting in the blanks the matter applicable to each transaction:

Registered by _____ . Non-negotiable. Principal [and interest] to be paid only to _____ located at _____ . This ____ day of _____, 19__.

City of _____

City Clerk

4. **Procedure for Transfer After Registration.** In order to transfer any bond which may have been registered under the provisions of this Section, the holder thereof shall present the same to the City Clerk and shall authorize such transfer in writing, giving the name of the transferee, the number of the bond, of what issue, and the dates of issue and maturity. Such authority shall be signed and acknowledged in the presence of a notary public or some other officer authorized by law to administer oaths, and such notary public or other officer shall certify, in writing and under seal of his office, that such authority was signed and acknowledged in this presence. In addition to giving such written authority, the holder shall enter a statement of the transfer on the face of each bond, properly dated and signed. Thereupon the City Clerk shall enter the transfer of each bond opposite the original entry of registration in the bond register, giving the name of the transferee and date of the transfer, and shall enter the same on each bond over his official signature. The transferee may thereafter, in the manner herein prescribed, also transfer such bond.

Section 4-206 Lost, Destroyed, or Defaced Bonds

Lost, destroyed, or defaced bonds may be reissued in the form and tenor of the original obligations upon the Mayor and City Council being supplied to its satisfaction with the following:

1. Proof of ownership;
2. Proof of loss, destruction, or defacing of the obligations;
3. Adequate surety bond; and
4. Payment of the cost of preparation of the new obligations.

All such new obligations shall be issued pursuant to resolution of the Mayor and City Council setting forth the written request of the holder or owner, or his authorized attorney or legal representative, of the lost, destroyed, or defaced obligations and the date, maturity, interest rate, denomination, and numbers of such obligations, and the amount and term of the surety bond.

Section 4-207 Disposition of Bonds and Coupons

Whenever the City Clerk pays any bond or coupon of the City, he shall forthwith stamp, print, or write upon such bond or coupon the word "PAID" and shall notify the standing finance committee that he has in hand such canceled paper, whereupon the finance committee shall take possession of the same after giving the City Clerk a receipt for the bonds and coupons. Such bonds and coupons shall thereafter be destroyed by the finance committee in the presence of the City Clerk, who shall then make an entry to that effect on the receipt given him.

Section 4-208 Sinking Fund

1. **Establishment.** All taxes collected for the payment of principal and interest on City general obligation bonds shall be kept by the City Clerk as a separate fund to be known as the "sinking fund." Under no circumstances shall funds be paid out by the City Clerk for any other purpose than for the payment of the interest and principal on the bonds for which it was collected or for the purpose of investment as provided by law and City ordinance.
2. **Certification of Amount.** Prior to adoption of the annual budget, the amount to be included in the sinking fund for the prospective fiscal year shall be certified by the municipal auditor as an amount sufficient to pay all principal and interest coming due in such fiscal year, and the sinking fund as certified shall be included in the annual budget.
3. **Investment of Sinking Fund.** It shall be and it is hereby made the duty of the City Clerk, to promptly make arrangements for the investment of the sinking fund in the manner provided by law and, upon approval of such arrangements by the City Council, promptly to make such investment.

ARTICLE III. BUDGET

Section 4-301 Fiscal Year

The City shall operate on a fiscal year which shall begin on the first day of July and end on the last day of June.

Section 4-302 Requirement of Annual Balanced Budget

The municipality shall operate under an annual balanced budget adopted by ordinance or resolution and administered in accordance with Chapter 81, Title 36 of the *O.C.G.A.* A budget ordinance or resolution is balanced when the sum of estimated net revenues and appropriated fund balances is equal to appropriations.

Each unit of local government shall adopt and operate under a project-length balanced budget for each capital projects fund in use by the government. The project-length balanced budget shall be adopted by ordinance or resolution in the year that the project initially begins and shall be administered in accordance with this article. The project-length balanced budget shall appropriate total expenditures for the duration of the capital project.

Section 4-303 Adoption of Budget Ordinances or Resolutions

The municipality shall adopt and utilize a budget ordinance or resolution.

Section 4-304 Budget Officer

The Mayor performs the duties of the Budget Officer. The City Council may appoint a Budget Officer to prepare the budget.

Section 4-305 Procedures for Adoption of Budget

1. By the date established by the governing authority, in such manner and form as may be necessary to effect this article, and consistent with the City's accounting system, the Budget Officer shall prepare a proposed budget for the City for the ensuing fiscal year.
2. The proposed budget shall be an estimate of the financial requirements of each department or agency, by fund, for the budget year and shall be in such form and detail, with such supporting information and justifications, as may be prescribed by the Mayor and City Council. The budget document, at a minimum, shall provide a statement of the amount budgeted for anticipated revenues by category and the amount budgeted for expenditures by category for the current year, including budget amendments, and the anticipated revenues and proposed expenditures for the proposed budget year.
3. No later than the first meeting in May, the proposed budget shall be submitted to the City Council for review prior to enactment of the budget ordinance or resolution.
4. On the day that the budget is submitted to the Mayor and City Council, a copy of the budget shall be placed in a public location which is convenient to the residents of the City. The Mayor and City Council shall make every effort to provide convenient access to the residents during reasonable business hours so as to accord every opportunity to the public to review the budget prior to adoption. A copy of the budget shall also be made available, upon request, to the news media.
5. (a) At the time of submission of the budget to the Mayor and City Council, a statement advising the residents of the City of the availability of the budget shall be published in a newspaper of general circulation in the City. The notice shall be published during the week in which the proposed budget is submitted to the governing authority. The statement shall also advise residents the public hearing will be held at which time any persons wishing to be heard on the budget may appear. The statement shall be a prominently displayed advertisement or news article and shall not be placed in that section of the newspaper where legal notices appear.
(b) The Mayor and Council shall give notice of the time and place of the required budget hearing at least one (1) week before the budget hearing is held.
6. At least one (1) week prior to adoption of the budget ordinance or resolution, the Mayor and City Council shall conduct a public hearing, at which time any persons wishing to be heard on the budget may appear.
7. Nothing in this Section shall be deemed to preclude the conduct of further budget hearings if the Mayor and City Council deem such hearings necessary and complies with the requirements of subsection (5).

Section 4-306 Form and Content of Budget

The municipal budget shall be prefaced by a clear general summary of its contents and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income expenditures of the preceding fiscal year. Separate items shall be included for at least the following:

1. Administration, operation, and maintenance expenses of each department or office of the City, including a breakdown for salaries and wages for each such unit;
2. Interest and debt redemption charges;
3. Proposed capital expenditures, detailed by departments and offices when practicable;
4. Cash deficits of the preceding year;
5. Contingent expenses in an amount not more than three percent (3%) of the total amount of administration, operation, and maintenance expenses; and
6. Such reserves as may be deemed advisable by the City Council. The total of proposed expenditures shall not exceed the total of anticipated revenue.

The total of proposed expenditures shall not exceed the total of anticipated revenue.

NOTE: See O.C.G.A. § 36-81-3 regarding "Uniform Chart of Accounts."

Section 4-307 Adoption

After the conclusion of the hearing and no later than June 30 of the fiscal year the Mayor and City Council shall adopt a budget ordinance or resolution making appropriations for the fiscal year in such sums as the Mayor and City Council may deem sufficient, whether greater or less than the sums presented in the proposed budget. The budget ordinance or resolution shall be adopted at a public meeting which shall be advertised in accordance with the procedures set forth in Section 4-305(5) at least one (1) week prior to the meeting.

The budget may be prepared in any form that the Mayor and City Council deems most efficient in enabling it to make the fiscal policy decisions embodied in the budget, but such budget shall show anticipated revenues and appropriations by fund.

Section 4-308 Reserved

Section 4-309 Reserved

Section 4-310 Reserved

Section 4-311 Audits Required

The Mayor and City Council shall conduct an annual audit.

Section 4-312 Conduct of Audits

The audits of the City shall be conducted in accordance with generally accepted auditing standards. Each audit shall also contain a statement of any agreement or arrangement under which the City has assumed any actual or potential liability for the obligations of any governmental or private agency, authority, or instrumentality. Such statement shall include the purpose of the agreement or arrangement, shall identify the agency, authority, or instrumentality upon whose obligations the City is or may become liable, and shall state the amount of actual liability and the maximum amount of potential liability of the City under the agreement or arrangement. To the extent that the state auditor is able to provide comparable auditing services, the governing body may contract with the state auditor.

Section 4-313 Contents of Audit Reports

Whenever an audit of the financial affairs of a county or municipal corporation or of an officer, board, department, unit, or other political subdivision of a county or municipal corporation is made pursuant to a requirement or to an authorization

otherwise provided by law, the audit report shall include the auditor's unqualified opinion upon the presentation of the financial position and the result of the operations of the governmental unit or office which is audited. If the auditor is unable to express an unqualified opinion, he or she shall so state and shall further detail the reasons for qualification or disclaimer of opinion. All such audits shall be conducted in conformity with generally accepted government auditing standards.

Section 4-314 Forwarding Audits to State Auditor

Each annual audit report of a local unit of government shall be completed and a copy of the report forwarded to the state auditor within one hundred eighty (180) days after the close of the unit's fiscal year. In addition to the audit report, the local unit of government shall forward to the state auditor, within thirty (30) days after the audit report due date, written comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, the written comments should include a statement describing the reason it is not. In the case of units provided for in paragraph (2) of subsection (a) of this Code Section, the audit reports for both fiscal periods shall be submitted within one hundred eighty (180) days after the close of each second fiscal year and the written comments shall be submitted within thirty (30) days after the audit report due date.

Section 4-315 Public Inspection of Audits

A copy of the report and of any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at City Hall. Those cities not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

Section 4-316 Annual Report, Submitted to the Department of Community Affairs

The City shall submit an annual report of local government finances to the Department of Community Affairs. The report shall include the revenues, expenditures, assets, and debts of all funds and agencies of the City, and other such information as may be reasonably requested by the department. Each local independent authority shall submit an annual report of indebtedness to the Department of Community Affairs. Such report shall include the revenues, expenditures, assets, and debts of all funds of the local independent authority and shall describe any actions taken by such local independent authority to incur indebtedness. The local government finance report and the local independent authority indebtedness report shall be filed on forms promulgated by the department and shall be submitted within the requested time periods established by the department.

Section 4-317 Capital Program

A five (5) year capital program may be submitted to the City Council at the same time that the budget and budget message are introduced for approval. Such capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken for the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing, and recommended time schedules for each such improvements; and
4. The estimated annual cost of operation and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

Section 4-318 Transfer of Appropriations

The Mayor may, at any time during the fiscal year, transfer part or all of any unencumbered appropriation balance among programs within a department or office, and the City Council may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department or office to another, except that no appropriation for debt service or capital improvements may be reduced or transferred during any fiscal year, and under no circumstances may the expenditures exceed the total of the budget.

Section 4-319 Emergency Appropriations

Notwithstanding any other provision of this article, the City Council may make emergency appropriations after the adoption of a budget, for a purpose which was not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein. Such an appropriation shall be made only to meet a public emergency affecting life, health, safety, property, or the public peace, and shall be made only out of actual unappropriated revenues or surplus. If there is no surplus, then temporary borrowing in notes may be made, provided that any such borrowed amounts are included as an appropriation in the next succeeding year's budget.

Section 4-320 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the next succeeding year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

NOTE: Each annual budget should be able to exist for twenty-four (24) months, so that any bills arriving after the close of the fiscal year can be paid out of such budget.

Section 4-321 Uniform Chart of Accounts

The municipality shall adopt and use the Uniform Chart of Accounts developed by the Georgia Department of Community Affairs.

ARTICLE IV. CREDIT CARD POLICY

Section 4-401 Credit Card Policy

Any credit card issued to the City of Walnut Grove shall be used solely for the official business of the City.

It's primary use shall be for the convenience of arranging travel, meals and lodging, and registration by the Mayor, City Council, Clerk and other staff, as authorized by Council, at various conventions, conferences, seminars, or other business or training functions authorized in advance by the Walnut Grove City Council.

The Credit Card may be used by the Mayor for various purchases authorized in advance by the Walnut Grove City Council; or for emergency purchases for the City provided such purchases do not exceed the Mayor's authorized spending limit.

Any amount placed on the card account shall be paid during the immediate month upon receipt of the statement when such charges are first reflected.

A copy of the monthly statement shall be placed in the Council's agenda package each month for review.

(Adopted 5/5/98)

ARTICLE V. PURCHASING POLICY

Section 4-501 Purchasing Policy

The Mayor and Mayor Pro-tem can spend up to two hundred fifty dollars (\$250.00) without council approval. *(Adopted 2/1/1994; amended 12/8/2011)*

ARTICLE VI. SURPLUS PROPERTY

Section 4-601 Designation of Certifying Officials and Property Selectors

The Mayor and Mayor Pro-Tem are hereby appointed certifying officials with authority to conduct all matters of business pertaining to the acquisition and utilization of Surplus Property acquired through the Georgia State Agency for Support Service Division. They are designated to obligate necessary Donee Organization funds for this purpose and execute Distribution Documents binding the Donee Organization to the terms, conditions, reservations and restrictions applying to property obtained through the agency. The list will be updated on a regular basis depending on type of organization. Between update periods, the certifying official is responsible for notifying the State Agency in the event of additions or cancellations to the list. Individuals not designated as certifying officials will be required to have written authorization from a certifying officer before being admitted to the agency distribution centers.

The above listed certifying officials will assume responsibility for appointing proper selectors, insure lawful utilization of property, maintain property records on property received, and assure prompt payment on service charge accounts.

The below listed individuals are designated property selectors and have authority to visit and acquire items of property from the Georgia State Agency for Surplus Property.

NAME	POSITION
Wayne Dimsdale	Councilmember
Jerry Smith	Councilmember
Kevin Shultz	Councilmember
Laura Henderson	City Clerk
Scott Mosley	Maintenance

(Adopted 6/11/02)

Section 4-602 Non-discrimination Assurance

City of Walnut Grove hereinafter called the “donee,” hereby agrees that the program for or in connection with which any property is donated to the Donee will be conducted in compliance with, and the Donee will comply with and require any other person (any legal entity) who through contractual or other arrangements with the Donee is authorized to provide services or benefits under said program to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 CFR 101-6.2 OR 101-8) issued under the provisions of Title VI of the Civil Rights Act of 1964, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 303 of the Age Discrimination Act of 1975, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity for which the Donee received Federal Assistance from the General Services Administration: and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

The Donee further agrees that this agreement shall be subject in all respects to the provisions of said regulations; that this agreement shall obligate the Donee for the period during which it retains ownership or possession of any such property; that the United States shall have the right to seek judicial enforcement of this agreement; and this agreement shall be binding upon any successor in interest of the Donee and the word “Donee” as used herein includes any successor in interest.

(Adopted 6/11/02)

ARTICLE VII. FRANCHISE FEE

Section 4-701 Cable and Video Franchise Fee

The governing authority of the City of Walnut Grove, Georgia, requires a franchise fee of five percent (5%) for any cable or video state franchise issued in its corporate boundaries by the State of Georgia pursuant to *O.C.G.A. § 36-76-1 et seq.*, known as the “Consumer Choice for Television Act” of 2007. *(Adopted 1/22/07)*

CHAPTER 5: MUNICIPAL COURT

Section

5-101	Scope of Jurisdiction
5-102	Appointment and Qualifications of Judge
5-103	Required Training for Judges of Municipal Courts
5-104	Bailiff
5-105	Record of Cases
5-106	Limitations
5-107	Service of Summons
5-108	Subpoenas
5-109	Failure to Obey Summons or Subpoena
5-110	Arrest and Bond
5-111	Forfeiture of Bond
5-112	Court Cost
5-113	Malicious Prosecution
5-114	Collection of Fines
5-115	Appeal
5-116	Contracting for Municipal Court Services
5-117	Reserved



Section 5-101 **Scope of Jurisdiction**

The Municipal Court of this municipality shall try violations of municipal ordinances and shall have the power and authority to impose fines upon persons convicted of said offenses, with the alternative of other punishment allowed by law if such fines are not paid. City courts shall function according to guidelines found in *O.C.G.A. § 36-32-1 et seq.*

Section 5-102 **Appointment and Qualifications of Judge**

The Mayor and City Council is authorized to appoint a judge of the municipal court who shall serve in lieu of the Mayor or other members of the Mayor and City Council. Any person appointed as a judge shall possess such qualifications and shall receive such compensation as shall be fixed by the Mayor and City Council and shall serve at the pleasure of the governing authority. Municipal court judges shall be licensed to practice law in the State of Georgia and an active member in good standing of the State Bar of Georgia; provided that any judge serving on June 30, 2011 who is not an active member of the Georgia Bar may serve provided he/she is in compliance with *O.C.G.A. §36-32-27.*

Section 5-103 **Reserved**

Section 5-104 **Bailiff**

The Bailiff of the Municipal Court shall be appointed by the Mayor, by and with the advice and consent of the City Council. The duties of the Bailiff shall consist generally of seeing that the courtroom is in proper condition for sessions of court, of assisting in keeping order while court is in session, and of doing such other acts of assistance as may be required of him by the Judge of the Municipal Court and the City Clerk.

Section 5-105 Record of Cases

A record of all cases heard in the Municipal Court for violation of this code or other municipal ordinances shall be kept in a suitable bound volume by the City Clerk. Such record shall contain the name of the defendant, the nature of the offense charged, the final disposition of the case, and the date of final disposition.

Section 5-106 Limitations

All prosecutions for violations of City ordinances shall be commenced within two (2) years after the commission of the crime.

Section 5-107 Service of Summons

Any person charged with violating any City ordinance shall receive notice by service of a summons as herein provided. Such summons may be issued by the City Clerk, the Building Inspector, Code Enforcement Officer or any Law Enforcement Officer. The summons shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the offense charged, and the day, hour, and place of trial, requiring the accused to appear before the Judge of the Municipal Court to answer accusations made. Service of the summons shall be made by a police officer of the City either by serving the accused personally or by leaving a copy at his/her most notorious place of abode, except that in the case of a summons issued for violation of laws or ordinances relating to the parking of motor vehicles, such summons may be directed to an unknown person as owner of an automobile designated in the summons and may be served upon such person by leaving a copy in or attached to such automobile.

Section 5-108 Subpoenas

The City Clerk shall issue subpoenas for the appearance of all witnesses necessary for the prosecution or for the defense in any case pending before the Municipal Court. All subpoenas shall be served in the same manner as a summons.

Section 5-109 Failure to Obey Summons or Subpoena

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be guilty of contempt of court and upon conviction thereof shall be punished for same.

Section 5-110 Arrest and Bond

When a police officer has arrested any person for violation of any provision of this code or any municipal ordinance and trial cannot be had immediately, the officer may take cash bond not exceeding the maximum fine for the offense, or a bond with a good security, for the appearance of such person before the Judge of the Municipal Court. If such person fails or refuses to give a bond, the officer may confine him or her in the county jail until a trial can be held, provided that the Mayor, in his/her discretion, may release such person on his/her own recognizance without security.

Section 5-111 Forfeiture of Bond

Upon the failure of a person to appear in the Municipal Court at the time and place fixed by the summons, unless legal excuse is offered in his/her behalf, the Judge of said court shall enter a judgment of forfeiture on any cash bond, or, in the case of a security bond, shall pass a rule requiring the principal and surety on such bond to show cause on the date named therein, which date shall not be less than ten (10) days from the passage of such ruling, why they should not be required to pay the amount of said bond. If no sufficient cause is shown, the Judge shall enter judgment against the principal and surety for the amount of the forfeited bond and shall direct the City Clerk to issue execution thereon.

Section 5-112 Court Cost

The costs which shall be charged against a defendant in the Municipal Court in the event of his/her conviction shall not exceed an amount as determined by Mayor and Council including the costs incurred to the City in filing a claim, lien, or fi fa with the Clerk of the Walton County Superior Court. This sum shall be paid into the City treasury.

Section 5-113 Malicious Prosecution

Whenever the Judge of the Municipal Court, after a fair and full trial, is satisfied that any case was frivolously or maliciously prosecuted, he shall assess the prosecution with the court costs and such punitive damages as he deems appropriate.

Section 5-114 Collection of Fines

When directed by the Judge of the Municipal Court, the City Clerk shall issue executions for fines imposed by said court, including the costs, which executions may be levied upon any goods or chattels, lands, or tenements of the person so fined.

Section 5-115 Appeal

Appeals from decisions of the Municipal Court shall be taken to the Walton County Superior Court or State Court in the manner provided for appeals under state law.

Section 5-116 Contracting for Municipal Court Services

Pursuant to *O.C.G.A. § 15-7-80 et seq.*, the City of Walnut Grove may contract with Walton County to furnish court services to the municipality.

Section 5-117 Reserved

CHAPTER 6: RESERVED

CHAPTER 7: RESERVED

CHAPTER 8: RESERVED

CHAPTER 9: RESERVED

PART II: PUBLIC HEALTH AND SAFETY

CHAPTER 10: FIRE PREVENTION AND PROTECTION

Section

10-101 State Minimum Fire Safety Standards



Section 10-101 State Minimum Fire Safety Standards

The State Minimum Fire Safety Standards shall have state-wide effect and shall not require adoption by the City of Walnut Grove. The City of Walnut Grove is authorized to enforce these standards on all buildings and structures except one-family and two-family dwellings and those structures listed in *O.C.G.A. § 25-2-13*. Notwithstanding any other provision of law or any local ordinance to the contrary, in the event of a conflict between any code or standard of the National Fire Protection Association (National Fire Code and National Electric Code) and of the Standard Building Code Congress (Southern Standard Building Code), the code or standard of the National Fire Protection Association (National Fire Code and National Electric Code) shall prevail. The order of precedence established by this subsection shall apply to all buildings and structures whether or not such buildings and structures are covered under this Code Section.

CHAPTER 11: TRAFFIC CONTROL

Section

- 11-101 Uniform Rules of the Road
- 11-102 Speed Zone Ordinance
- 11-103 No Parking



Section 11-101 Uniform Rules of the Road

1. **Adoption By Reference.** Pursuant to Chapter 6, Title 40 of *O.C.G.A.* § 40-6-372 through 40-6-376, §§ 40-6-1 to 40-6-395 (except for §§ 40-6-393 and 40-6-394), and Chapter 2, Title 40 of *O.C.G.A.* § 40-2-20 and Chapter 5, Title 40 of *O.C.G.A.* § 40-5-20, known as the Uniform Rules of the Road and the definitions contained in *O.C.G.A.* § 40-1-1 are hereby adopted as and for the traffic regulations of this municipality with like effect as if recited herein.
2. **Penalties.** Unless another penalty is expressly provided by law, any person convicted of a violation of any provision of the Uniform Rules of the Road as adopted by reference herein shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than twelve (12) months or by both such fine and imprisonment. *(Amended 7/8/08, 6/10/08)*
3. Pursuant to *O.C.G.A.* § 40-5-121, the municipal court of the City of Walnut Grove shall be authorized to impose punishment in accordance with Georgia Law for convictions of driving while a license is suspended or revoked.

Section 11-102 Speed Zone Ordinance

The following speed zones are established within City of Walnut Grove, Georgia.

LIST OF ROADWAYS for CITY OF WALNUT GROVE ON-SYSTEM							
STATE ROUTE	WITHIN THE CITY/TOWN LIMITS OF and/or School Name	FROM	MILE POINT	TO	MILE POINT	LENGTH IN MILES	SPEED LIMIT
School Zone	Walnut Grove Elementary School, School Days Only	845' North of Cannon Farm Road	01.52	317' South of Malcolm Bridge	01.88	00.36	45
SR 81	Walnut Grove	1162' North of Malcom Lane (South City Limits)	02.16	160' South of Habersham Circle	02.41	00.25	45
SR 81	Walnut Grove	160' South of Habersham Circle	02.41	Park Street	02.99	00.58	35
SR 138	Walnut Grove	Park Street	02.99	Michelle Court (North City Limits)	03.42	00.43	45
SR 138	Walnut Grove	4963' North of Cannon Farm Road (South City Limits)	01.75	1320' South of Walnut Grove Parkway	02.09	00.34	45
SR 138	Walnut Grove	422' South of Walnut Grove Parkway	02.09	1426' East of State Route 81	02.60	00.51	35
SR 138	Walnut Grove	1320' South of Walnut Grove Parkway	02.60	792' North of Walnut Grove Parkway (North City Limits)	03.00	00.40	45

LIST OF ROADWAYS for CITY OF WALNUT GROVE <u>OFF-SYSTEM</u>					
ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF and/or School Name	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Church Street	Walnut Grove	State Route 81	Park Street	00.30	25
Greenhill Way	Walnut Grove	Park Street	Church Street	00.50	25
Habersham Circle	Walnut Grove	State Route 81	Dead End	00.30	30
Old State Route 138	Walnut Grove	State Route 138	City Limits	00.30	35
Park Street	Walnut Grove	Guthrie Cemetery Road	350' West of Willow Drive	00.57	35
Park Street	Walnut Grove	350' West of Willow Drive	State Route 81	00.45	25

(Adopted 9/7/99; Amended 2/12/04, 7/6/04, 11/11/08, 09/2011)

Section 11-103 No Parking

1. It shall be unlawful for anyone to park at the intersection of Old Highway 138 and Cambridge Drive from 200 ft. either side of center line of 138 at Cambridge Drive in any direction. *(Adopted 3/28/00)*
2. It shall be unlawful for anyone to park a vehicle on either side of Church Way from the intersection of Greenhill Way to a point southward two hundred feet (200'), except in the event of a funeral procession which terminates at the adjoining cemetery. Violators shall be subject to a fine of not less than twenty-five dollars (\$25.00). *(Adopted 9/2/97)*

CHAPTER 12: SOLID WASTE MANAGEMENT

Section

ARTICLE I. SOLID WASTE DISPOSAL

12-101	Definitions
12-103	Storage
12-104	Containers
12-105	Hazardous Materials
12-106	Private Contractors
12-107	Penalties

ARTICLE II. YARD TRIMMINGS DISPOSAL REGULATIONS

12-201	Definitions
12-202	Placement and Disposal of Yard Trimmings: Prohibitions

ARTICLE III. OTHER PROVISIONS

12-301	Unlawful to Import Solid Waste
12-302	Unlawful to Place Solid Waste
12-303	Violating Provisions



ARTICLE I. SOLID WASTE DISPOSAL

Section 12-101 Definitions

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

- 1. Garbage.** Putrescible animal and vegetable wastes resulting from the storage, handling, preparation, cooking and consumption of food or the storage, handling and sale of produce.
- 2. Hazardous Waste.** Solid or liquid waste materials resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; sewage sludges; and other waste materials determined to be a likely hazard to the public health, safety or environment, except radioactive waste which is covered by state regulations.
- 3. Industrial Waste.** Waste materials generated in industrial operations and processes.
- 4. Putrescible Wastes.** Wastes capable of being decomposed by micro-organisms, including kitchen wastes, manure, offal, hatchery and poultry wastes, and garbage.
- 5. Refuse.** All putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid commercial and industrial wastes.
- 6. Rubbish.** Non-putrescible solid wastes (excluding ashes), consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and the like.
- 7. Solid Waste.** Putrescible and non-putrescible wastes (except water-carried body wastes) including garbage, rubbish, ashes, street residue from incineration, food-processing wastes, construction wastes, hazardous wastes, and any other waste material in solid or semi-solid form not otherwise defined in this Section.

Section 12-102 Storage

- 1.** No person shall keep or store solid waste outside of any residence or building within the City limits except in containers proper for collection.
- 2.** Any accumulation of solid waste not in a container is declared to be a nuisance and is prohibited.

3. When such accumulation occurs, the City Clerk shall notify the owner or occupant of the premises in writing to remove such accumulation within fourteen (14) days of the date of the notice. Failure to remove such accumulation within fourteen (14) days of the date of the notice shall be a violation of this Section punishable as a misdemeanor. A separate violation shall be deemed committed each day during or upon which such unlawful accumulation occurs.

Section 12-103 Containers

1. Garbage containers shall be provided by the owner or occupants of each residence or establishment.
2. Containers shall be of durable metal or plastic, water-tights, rust-resistant, rodent-proof, and easily cleanable. They shall be equipped with handles and tightly fitted covers.

Section 12-104 Hazardous Materials

It shall be unlawful to place or cause to be placed in any container for collection any waste material determined by the Mayor and Council to be a likely hazard to the public health, safety, or environment except upon specific prior arrangement with the Mayor and Council.

Section 12-105 Private Contractors

The Mayor and Council shall elect each year a private contractor or contractors to provide solid waste collection and disposal services for the City. The terms and arrangements shall be mutually agreed upon and posted for public notice.

Section 12-106 Penalties

Any person convicted of violating any of the provisions of this Chapter shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment not exceeding six (6) months. *(Amended 8/29/07)*

ARTICLE II. YARD TRIMMINGS DISPOSAL REGULATIONS

Section 12-201 Definitions

1. **Commercial Solid Waste.** All types of solid waste generated by stores, offices, restaurants, warehouses and other non-industrial wastes.
2. **Composting.** The controlled biological decomposition of organic matter into a stable, order-free humus.
3. **Leachate Collection System.** A system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.
4. **Municipal Solid Waste.** Any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvacultural operations or industrial processes or operations.
5. **Municipal Solid Waste Disposal Facility.** Any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.
6. **Municipal Solid Waste Landfill.** A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, non-hazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.
7. **Yard Trimmings.** Leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvacultural operations.

Section 12-202 Placement and Disposal of Yard Trimmings: Prohibitions

1. It shall be unlawful to place or mix yard trimmings with municipal solid waste within the City of Walnut Grove. Yard trimmings shall not be disposed at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within the City of Walnut Grove.

ARTICLE III. OTHER PROVISIONS

Section 12-301 Unlawful to Import Solid Waste

It shall be unlawful for anyone to import or conspire to import garbage, hazardous waste, industrial waste, putrescible waste, refuse, rubbish or solid waste into the City of Walnut Grove with the intent of having such collected and disposed of as a part of the City's solid waste and disposal services.

Section 12-302 Unlawful to Place Solid Waste

It shall be unlawful for anyone to place or dump garbage, hazardous waste, industrial waste, putrescible waste, refuse, rubbish or other solid waste upon any public property located within the limits of the City of Walnut Grove, Georgia.

Section 12-303 Violating Provisions

Any person convicted of violating any provisions of this Article shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) but not less than two hundred fifty dollars (\$250.00), or imprisonment or work on the streets or other City Property not to exceed ninety (90) days. *(Adopted 6/2/98)*

CHAPTER 13: AIR QUALITY CONTROL

Section

13-101

Open Burning



Section 13-101

Open Burning

Anyone wishing to do any open burning within the City limits of Walnut Grove must first obtain permission from the Georgia Forestry Commission.

CHAPTER 14: NOISE REGULATION

Section

14-101	Noise Regulation In General
14-102	Noises Prohibited
14-103	Exemptions
14-104	Penalties
14-105	Injunctions



Section 14-101 Noise Regulation In General

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing within the City limits.

Section 14-102 Noises Prohibited

The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exhaustive.

- 1. Motor Vehicle Horns.** The sounding of any horn on any automobile, motorcycle, or other motor vehicle on any street or public place of the City except as a warning signal.
- 2. Radios, Television Sets, and Similar Devices.** The using, operating, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to disturb the peace, quiet, and comfort of neighboring residents.
- 3. Loudspeakers and Amplifiers.** The using or operating of any loudspeaker or sound-amplifier device mounted upon any vehicle within the City for the purpose of broadcasting or advertising any information about any business or activity for any other purpose, unless a permit for such sound amplification has been obtained from the Mayor or Police Chief.
- 4. Construction Equipment and Activity.** The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads or projects within the City between the hours of 10:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the Mayor or Police Chief.
- 5. Exhausts.** The discharging into the open air of the exhaust of any internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- 6. Animals and Birds.** The keeping of any animal or bird which by frequent or continuous barking, chirping, or other means of communication disturbs the comfort or repose of the residents of any residential neighborhood.
- 7. 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.
- 8. Schools, Courts, Churches, Hospitals.** The creating of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.
- 9. Hawkers and Peddlers.** The selling of anything by outcry within the residential areas of the City, except at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.
- 10. Drums.** The using of any drum or other instrument or device for the purpose of attracting attention by the creation of noise within the City, unless a permit for such use has been obtained from the Mayor or Police Chief.

Section 14-103 Exemptions

The following uses and activities shall be exempt from the noise regulations set forth in this chapter:

1. Noises of safety signals and warning devices;
2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call acting in time of emergency; and
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.

Section 14-104 Penalties

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not exceeding one thousand dollars (\$1,000.00) or imprisonment for a period not exceeding six (6) months, or both such fine and imprisonment. A separate offense shall be deemed to have been committed each day during or upon which a violation occurs or is permitted to continue. *(Amended 7/8/08)*

Section 14-105 Injunctions

The operation or maintenance of any device, vehicle, or machinery in violation of any provision of this chapter which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents of this City 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.

PART III: PUBLIC WORKS AND PROPERTY

CHAPTER 15: RESERVED

CHAPTER 16: RESERVED

CHAPTER 17: RESERVED

CHAPTER 18: RESERVED

CHAPTER 19: RESERVED

CHAPTER 20: RESERVED

CHAPTER 21: RESERVED

CHAPTER 22: RESERVED

CHAPTER 23: PUBLIC PARKS, PLAYGROUNDS, AND RECREATION CENTERS

Section

23-101	Development of Municipal Recreation Programs
23-102	Regulations Governing Use of Public Parks and Facilities



Section 23-101 Development of Municipal Recreation Programs

The authority to develop programs of recreational activities and services designed to meet the leisure time interest and needs of all municipal citizens is hereby granted to and vested in the park and recreation board, which board shall have the power to purchase, maintain and equip parks, playgrounds, recreation centers, and the buildings associated therewith, and to develop, maintain, and operate all types of recreation facilities, as provided in Chapter 64, Title 36 of the Official Code of Georgia Annotated.

Section 23-102 Regulations Governing Use of Public Parks and Facilities

1. **Use of Grounds and Facilities in General.** Each person, firm, or corporation using the public parks and grounds shall cleanup all debris, extinguish all fires when such fires are permitted, and leave the premises in good order and the facilities in a neat and sanitary condition.
2. **Prohibited Acts.** It shall be unlawful for any person, firm, or corporation using such parks, grounds, or facilities to either perform or permit to be performed any of the following acts:
 - A. To willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parks or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
 - B. To throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters;
 - C. To damage, cut, carve, transplant, or remove any tree or plant or any part thereof;
 - D. To hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile, or bird or remove or have in his possession the young of any wild animal, or the eggs, nest, or young of any other animal;
 - E. To bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; and where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for the presence of same, and properly disposed of elsewhere;
 - F. To disturb the peace, or use any profane or obscene language;
 - G. To endanger the safety of any person by any conduct or act;
 - H. To commit any assault or battery, or engage in fighting;
 - I. To carry, possess, or drink any alcoholic beverage in the park;
 - J. Violate any rule for the use of the park, made or approved by the park and recreation board;
 - K. To prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this chapter and with the rules applicable to such use;
 - L. To swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted;

- M. To dress or undress on any beach, or in any vehicle, toilet, or other place, except in such bathing houses or structures as may be provided for that purpose.
 - N. To possess or use any fireworks, explosives, firecrackers, firearms, bows and arrows, spring guns, air rifles, slingshots, or any device which discharges projectiles by any means; and
 - O. To refuse to cease the violation after notice.
3. **Hours of Operation.** The public parks shall be open daily to the public during the hours of 8:00 a.m. and 10:00 p.m.; and it shall be unlawful for any person or persons other than City personnel conducting City business therein to occupy or be present in such parks during any other hours.

Any section or part of a park, or an entire park, may be declared closed to the public by the Mayor and Council at any time and for any interval of time, either temporarily or at regular or stated intervals.

4. **Group Activity.** Whenever members of any group, association, or organization desire to use any park facility for a particular purpose, such as picnics, parties, or theatrical or other entertainment performances, a representative of such group, association, or organization shall first obtain a permit from the Mayor and Council for such purpose.

The Mayor and Council shall grant the application for a permit if it appears that the group, association, or organization will not interfere with the general use of the park by individual members of the public, and if the said group, association, or organization meets all other reasonable conditions which may be imposed by the Mayor and Council.

Such application may contain a requirement for an indemnity bond to protect the City from any liability of any kind or character and to protect City property from damage.

No individual or group, other than the Walnut Grove Recreation Commission or other group or commission established by the City, may use any facility of the Walnut Grove City Park to conduct any event, for which a monetary charge is to be assessed, without first obtaining approval of the Mayor and City Council for the City of Walnut Grove, Georgia.

Only events for non-profit groups or benefits may be approved by Council. Prior to consideration by Council, any applicant shall provide evidence of proper and adequate insurance coverage and a crowd supervision and management plan.

(Adopted 12/1/98)

5. **Picnic Areas and Use.** No person in a park shall use any portion of the picnic areas, or of any of the buildings or structures therein, for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.
6. **Other Regulations.**
- A. **Games.** It shall be unlawful for any person to take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough or potentially dangerous games such as football, baseball, and soccer is prohibited except on the fields, courts, or areas provided therefor.
 - B. **Camping.** It shall be unlawful for any person to set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used, or that could be used, for such purpose, such as a house-trailer, camp-trailer, camp-wagon, or the like.
 - C. **Fires.** It shall be unlawful for any person to build or attempt to build a fire except in such areas and under such regulations as may be designated by the Mayor and Council. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco paper, or other inflammable material within any park area or on any highway, road, or street abutting or contiguous thereto.
 - D. **Animals.** It shall be unlawful to bring any dangerous animal into any park, and it shall be unlawful to permit any dog to be in any park unless such dog is on a leash.
 - E. **Automobiles.** It shall be unlawful to drive or park any automobile except on a street, driveway, or parking lot in any park; or to park or leave such vehicle in any place other than one established for public parking.
 - F. **Sales.** It shall be unlawful for any person to vend, sell, peddle, or offer for sale any commodity or article within the park unless such person possesses a license issued by the City.

- G. Alcoholic Beverages.** It shall be unlawful for any person within any park to have in his or her possession, custody, or control any alcoholic beverage of any kind whatsoever.
- H. Signs.** It shall be unlawful for anyone to paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except that these provisions shall not apply to any properly authorized government official in pursuit of any official duty.

7. Use Fees.

Park Ballfield Concession Building.....	\$35/event
Ballfield.	\$50/night with \$50 deposit (Except Fire Department which is charged only actual cost for lights.)
Park Pavilion.	\$50 (\$35 if City resident) Up to 2 times per calendar year or more than 2 times within any calendar year the fee shall be \$50
Pavilion Kitchen.....	\$20 plus a deposit to be refunded if kitchen is left in clean and orderly manner.

CHAPTER 24: RESERVED

CHAPTER 25: STREET LIGHTS

Section

25-101

Street Lights



Section 25-101

Street Lights

- 1. Residential.** Street lighting shall be required in all residential developments. Street lights shall be installed at the time electrical power is installed in the development. Street lights shall be high pressure sodium vapor type, or typical of types supplied by the power company. The lighting shall be installed at street intersections, cul-de-sacs, and at points along the street right-of-way to provide for the safety and welfare of pedestrian and underground electrical power shall be of decorative type, supported by a metal, corrosion resistant pole with a minimum height of sixteen feet (16') above grade. The lighting plan shall be submitted to the Zoning Official. All cost of said lighting including but not limited to, installation, maintenance, and energy charges for twelve (12) months after recording of the final plat of the last phase, or unit of the subdivision, shall be borne by the Owner and/or Developer. After expiration of this period, the residents of the subdivision shall incur the expenses of maintenance and power charges for the lighting. A paid receipt for the installation shall be provided by the Owner and/or Developer prior to final plat sign-off. A Payment Bond shall be provided by the Owner and/or Developer for the estimated costs of the maintenance and power charges through the specified period.
- 2.** In order to assure the payment of the expenses and power charges for the lighting in the residential subdivisions, the City will pay the utility company said expenses and power charges and shall collect the sums expended and an administrative fee of five percent (5%) of said sum to cover postage and handling expenses from the property owners in each such residential subdivision. The expenses and charges shall be collected quarterly in advance. Payment of the sums assessed shall be due on the first day of each calendar quarter, January 1, April 1, July 1, and October 1 of each year. A late fee of two dollars and fifty cents (\$2.50) shall be added to each bill for the payment of such fees by the fifteenth (15th) day of the month when such payment is due. Any existing residential subdivision within the City limits of Walnut Grove may elect to come under the provisions of this Ordinance upon the filing of a certification or application by a majority of the property owners in the subdivision.

A fifty dollar (\$50.00) collection fee shall be added to any street light fee balance which remains unpaid for a period of one hundred eighty (180) days or more and for each subsequent ninety (90) day period such amount shall remain unpaid. *(Adopted 7/12/05)*

- 3. Non-Residential.** Street lighting shall be required in all non-residential developments and shall be the responsibility of the Owner and/or Developer. Adequate lighting shall be installed in all parking lots, access drives, building exteriors, and other areas where necessary for public safety. The lighting plan shall be submitted to the Zoning Official. All cost of said lighting, including but not limited to, installation, maintenance, and energy charges, shall be borne by the Owner and/or Developer.
- 4.** The expense of maintenance and power charges for the street lighting shall be a charge and lien against the real estate in respect to which said expenses and charges are so assessed and the owner or owners thereof, as set forth in Article VI, Section 6.15 and Section 6.19 of the Charter of the City of Walnut Grove.

(Effective 7/1/96)

CHAPTER 26: EMERGENCY MANAGEMENT

Section

26-101	Definition
26-102	Office of the County Emergency Director
26-103	Walton County Emergency Management Agency
26-104	Powers During an Emergency or Disaster
26-105	Volunteers
26-106	Penalties
26-107	Liberality of Construction



Section 26-101 Definition

As used in this Ordinance, the term “Emergency Management” shall mean the preparation for and the carrying out of all emergency and disaster functions other than those functions for which military forces or state and federal agencies 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. These functions include, without limitation, fire fighting services, police services, medical and communications, protection against the effects of radiological, stricken areas, emergency welfare services, emergency transportation, plant protection, shelter, temporary restoration of public utility services, and other functions related to civilian population, together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

Section 26-102 Office of the County Emergency Director

It is the desire and intent of the governing officials of the City of Walnut Grove, Georgia, that the City of Walnut Grove, Georgia, be a part of the Walton County Emergency Management Agency. The Chairman, County Commissioners of Walton County, with concurrence of the Mayors of cities within the county, shall nominate for appointment, by the Governor, a Director of Emergency Management for the entire county. When appointed, the Emergency Management Director is charged with the following duties:

1. To represent the governing officials of the City on matters pertaining to emergency management.
2. To assist City officials in organizing City departments for emergency operations.
3. To develop, in conjunction with City and county departments the Walton County Plan for emergency functions set forth in Section 26-101 of this Ordinance. Such plan will be in consonance with the Georgia Natural Disaster Operations Plan and Nuclear Emergency Operations Plan, and shall be submitted to the governing officials of Walton County and the cities therein for approval, and thence to the Georgia Emergency Management Agency for approval.
4. To maintain the Emergency Management Agency and carry out the day-to-day administration of the Walton County Emergency Management Program, including the submission of required reports, to the Georgia Emergency management Agency.
5. To submit reports as required by governing officials in keeping with good management practices, e.g., financial, daily activity etc.
6. To obtain, with the authority of governing officials, a facility to be used as the Walton County Emergency Operating Center.
7. To coordinate the activities of the Walton County Emergency Operating Center Staff during periods of an emergency, and under the supervision of Walton County governing officials.

Section 26-103 Walton County Emergency Management Agency

The Walton County Emergency Management Agency shall be established around existing City and county departments and the emergency functions described in Section 26-101 above are assigned as follows:

DEPARTMENT/AGENCY	FUNCTIONS
Walton County Board of Commission and City Mayors	Direction and Control
Walton County Clerk	Administrative Services Resources Management
Walton County Sheriffs Department Monroe Police Department Loganville Police Department	Police Services Search & Recovery Communications
Walton County Fire Department Monroe Fire Department Social Circle Department Loganville Department Walnut Grove Fire Department Jersey Fire Department	Fire Control Hazardous Material Control Rescue
Walton County Superintendent of Schools Office of Social Circle Superintendent of Schools Office of	Transportation Services
Walton County Road and Bridges Department City Street Departments	Engineering
Monroe, Water, Light and Gas Commission Walton County Sewerage and Water Authority	Utilities Petroleum Solid Fuel
Walton County Department of Family and Children Services	Walton County Health Department
Walton County Health Department	Health and Medical Services
Walton County Chamber of Commerce	Emergency Public Information
Walton County Emergency Management Agency	Evacuation Radiological Protection Training Damage Assessment Public Property Assistance Specific Hazards State Military Support
Walton County Chapter American Red Cross	Sheltering and Temporary Housing Food Services
Heads of City departments listed above are responsible for developing appropriate annexes to the local Emergency Operations Plan (EOP) for their assigned emergency functions. Such annexes will be submitted to the Emergency Management Director for inclusion in the local EOP for Submission to appropriate local officials for approval.	

Section 26-104 Powers During an Emergency or Disaster

In the event of a man-made or natural disaster, actual enemy attack upon the United States, or any other emergency which may affect the lives and property of the citizens of City of Walnut Grove, the Mayor of the City of Walnut Grove separately, or jointly with the Chairman, County Commissioners, or in their absences their legally appointed successors, may determine that an emergency or disaster exists and thereafter shall have an may exercise for such period as such emergency or disaster exists or continues, the following powers:

1. To enforce all rules, laws and regulations relating to emergency management, and to assume direct operational control over all emergency management resources;
2. To seize or take for temporary use, any private property for the protection of the public;
3. To sell, lend, give or distribute all or any such property or supplies among the inhabitants of the county and to maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies;

4. And, 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 of the county.

Section 26-105 Volunteers

All persons, other than officers and employees of the City, performing emergency functions pursuant to this Ordinance, shall serve with or without compensation. While engaged in such emergency functions, duly assigned volunteers shall have the same immunities as City Officers and employees.

Section 26-106 Penalties

Any person violating any provision of this Ordinance, or any rule, order, or regulation made pursuant to this Ordinance, shall, upon conviction thereof, be punishable for committing a misdemeanor.

Section 26-107 Liberality of Construction

This Ordinance shall be construed liberally in order to effectuate its purpose. *(Effective 11/4/92)*

CHAPTER 27: RESERVED

CHAPTER 28: RESERVED

CHAPTER 29: RESERVED

PART IV: GENERAL GOVERNMENTAL REGULATIONS

CHAPTER 30: ANIMALS

Section

30-101	Definitions
30-102	Animal Control Unit
30-103	Duty of Owner to Keep Animals Under Control
30-104	Duty to Keep Animals Under Restraint While on Owners Property
30-105	Duty to Keep Animals Under Restraint While Off Owners Property
30-106	Enforcement
30-107	Disposition of Impounded Animals
30-108	Public Nuisance Animals
30-109	Abandoned Animals
30-110	Biting Dogs, Cats, Exotic Mammals, Wildlife or Rehabilitated Wildlife
30-111	Establishment of Infected Area Quarantine
30-112	Confinement Area or Facility
30-113	Animal Impoundment and Control
30-114	Vaccination of Dogs and Cats
30-115	Certificate of Vaccination
30-116	Vaccination Tags and Collar
30-117	Clinics
30-118	Adoption
30-119	Summons
30-120	Interference with Animal Control Officer
30-121	Humane Treatment of Animals
30-122	Liability of City, County Officers and Employees
30-123	Violations



Section 30-101 Definitions

For purposes of this Ordinance, the following words shall have the following meanings:

- 1. Animal at Large.** Any animal found loose and not under proper restraint.
- 2. Animal Control Officer.** Any person so designated by the Board of Commissioners of Walton County, Georgia to perform the duties of Animal Control and Ordinance Enforcement.
- 3. Animal Under Restraint.** Any animal is considered under restraint if:
 - A.** It is controlled within the property limits of its owner;
 - B.** It is controlled by a leash; or
 - C.** It is within a vehicle being driven or parked on the streets.
- 4. Owner.** Any person who owns, harbors, keeps and maintains; has lawful possession of, or knowingly causes or permits an animal to be harbored or kept; any person who has an animal in his care, who shelters and/or provides for said animal sufficient quantities of wholesome food and water for twenty (20) consecutive calendar days or longer, and permits an animal to remain on or around his premises. This shall include any person hired or acting as custodian of the animal for its owner.
- 5. Domesticated Animals.** Animals that are accustomed to living in or about the habitation of people, including, but not limited to, cats, dogs, cows, fowl, horses, swine, domesticated wild animals and/or exotic animals.
- 6. Impoundment.** The action taking physical control of an animal by an Animal Control Officer and/or other officers empowered to act by law and the transporting of said animal to the animal control facility.
- 7. Abandoned Animals.** Any domesticated animal shall be considered abandoned, for all rights and purposes of this chapter, when said animal has been placed upon public property and/or within a public building unattended either caged or uncaged, or placed upon or within the private property of another without the permission of the property owner, or is left unattended either caged or uncaged.

8. **Vicious or Dangerous Animals.** Any animal that has attacked, bitten or caused injury to human beings, other domestic animals or livestock without adequate provocation.

Section 30-102 Animal Control Unit

The Walton County an Animal Control Unit shall be charged with enforcing the animal Control Ordinance of the City of Walnut Grove.

Section 30-103 Duty of Owner to Keep Animals Under Control

It shall be unlawful for the owner of any domesticated animal, or anyone having a domesticated animal in his possession or control, to permit such domesticated animal to be at large. In the event that owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this Ordinance are complied with.

Section 30-104 Duty to Keep Animals Under Restraint While on Owners Property

It shall be the duty of every animal owner or said custodian of any dog to ensure that said animals are kept under proper restraint and that reasonable care and precautions are taken to prevent the animals from leaving, while unattended, the real property limits of its owner, possessor or custodian.

Section 30-105 Duty to Keep Animals Under Restraint While Off Owners Property

It shall be the duty of the animal owner or anyone having an animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor or custodian, for the purpose of this Section. An animal shall be deemed under control when off the owners real property limits when:

1. The animal is within a vehicle, parked or in motion;
2. The animal is properly confined within a secured enclosure with the property owners permission;
3. The animal is securely restrained by a leash or other method held by a competent person;
4. The animal is under immediate voice command of a competent person at all times; or
5. Hunting dogs shall be deemed under control for the purpose of this chapter when they are being hunted in accordance with the State Game and Fish Department laws, rules and regulations.

Section 30-106 Enforcement

1. The primary responsibility for enforcement of this Ordinance shall be vested in the Animal Control Unit.
2. This unit shall consist of Animal Control Officers, the number and identity of which shall be designated by the Board of Commissioners of Walton County
3. These officers shall be vested with the authority to issue citations for violation of this Ordinance.
4. The officers comprising this unit may also call upon such other officers, constables and employees of the Recorder's Court or Sheriff's Department of Walton County as may be necessary for the enforcement of this Ordinance.
5. Upon information known to any officer or member the animal control unit, or the Walton County Sheriff's Department that any owner or possessor of a domesticated animal is in violation of this Ordinance, a citation may be issued requiring the owner or possessor of such domesticated animal to appear before the Judge of the Municipal Court of Walnut Grove on a day and time certain to stand trial for the violation of this Ordinance.
6. If such violation of this Ordinance has not been witnessed by an officer of the Animal Control Unit, the Sheriff's Department or other employee of the City of Walnut Grove or Walton County, a subpoena shall be issued to the person making the complaint requiring said person to appear on the day and time set to testify on behalf of the City/County.
7. In the event that the owner or possessor of any domesticated animal is not known, and such domesticated animal is at large in violation of this Ordinance, upon complaint made to, or information known to the Animal Control Unit, it shall be the duty of the Unit to immediately take possession of such domesticated animal and impound it according to such Rules and Regulation and Ordinances of the City of Walnut Grove and Walton County for the detention, control and disposition of domesticated animals.

8. Animal Control Officers may pursue an animal at large onto private property to effect capture and impoundment of said animal only if said officer has at that time seen the animal away from the property of its owner. Prior to such action the Sheriff's Department of Walton County shall have been notified requesting backup and assistance.

Section 30-107 Disposition of Impounded Animals

1. It shall be the duty of the Animal Control Unit to immediately notify the owner of each domesticated animal impounded if the owner of the domesticated animal is known or can be reasonably ascertained.
2. The owner of any domesticated animal impounded may, within seventy-two (72) hours of such impoundment, reclaim such domesticated animal by payment of the impoundment fee and daily board rate established from time to time by the Board of Commissioners.
3. If no proof of current Rabies inoculation can be shown at the time of animals release, the owner shall pay the necessary fees to have the animal properly inoculated and tagged, in addition to any other fees that may be due.
4. If any animal is seized or impounded by the Animal Control Unit and shows evidence of contagious, infectious or fatal diseases, is seriously ill or severely injured, said animal will be evaluated and the advice of a licensed veterinarian sought to determine whether to treat the animal or euthanize.
5. In the absence of available veterinarian the Animal Control Officer will confer with supervisor on duty to determine a just reason for euthanasia.
6. All veterinary expenses incurred shall be charged to the owner of said animal.
7. Any animal which is suffering excessively or which exhibits feral or wild tendencies and/or may present a perceived danger to persons or other animals, may be, without regard to confinement period, destroyed in the most humane method available.

Section 30-108 Public Nuisance Animal

Any animal will be deemed a public nuisance animal if:

1. It is repeatedly found at large.
2. It damages the property of any one other than the owner of said animal.
3. It is vicious
4. Produces, because of quantity, manner of method in which animals are kept, unsanitary conditions in areas of the City of Walnut Grove zoned R-1 or PUD subdivisions. This shall not be construed as to apply to hooved animals or livestock.
5. Any animal that excessively and continuously makes disturbing noises shall be defined as a nuisance animal. Excessive noises shall be defined as continuous howling, barking or crying or causing unreasonable annoyance continuously for a period of one-half (½) hour or more. For the purposes of this Ordinance, the animal must be within two hundred feet (200') of the property line of the complaining party.
6. Any such animal may be impounded and the owner or possessor charged for violation of this chapter.

Section 30-109 Abandoned Animals

It shall be unlawful for anyone to knowingly abandon or permit such abandonment or aid in such abandonment any domesticated animal within the City limits of Walnut Grove.

Section 30-110 Biting Dogs, Cats and Exotic Animals, Wildlife, Rehabilitated Wildlife Kept at Pets

1. All domesticated animals, whether vaccinated or not, and who are known to have bitten a person causing an injury that is open and bleeds, shall be confined for a period of ten (10) days for observation of rabies.
2. All wild animals, exotic animals, and domesticated wild animals, or in the case of consent of owner for owned dogs and cats, the animal shall be destroyed immediately, decapitated and its brain tissue analyzed for indications of rabies, if it has bitten a human or another animal.
3. A dog or other animal which has not been vaccinated or which has been vaccinated less than one (1) month prior to being bitten by a known rabid animal shall be immediately destroyed.
4. If the owner is unwilling to destroy said animal, it shall be confined in strict isolation in a location approved by the director for a period of six (6) months.
5. The confined animal must be vaccinated five (5) months after the bite.

6. Any dog or other animal for which rabies vaccination effectiveness has been established and having current vaccination at least one (1) month prior to being bitten by a known rabid animal, may be re-vaccinated and then confined in a manner approved by the director for thirty (30) days; thereafter, it shall be released to the owner if the animal exhibits no signs (clinical) of rabies as adjudged by a veterinarian.

Section 30-111 Establishment of Infected Area Quarantine

Whenever the Department of Human Resources declares the City of Walnut Grove or any area therein an "infected area" pursuant to *O.C.G.A. § 31-19-2*, every dog in said infected area shall be quarantined and confined to the owner's or custodian's premises during the entire period of time for such said declaration to the Department is in effect.

Section 30-112 Confinement Area or Facility

1. Confinement area or facility to which a dog or other animal is confined in compliance with the provision of the Ordinance shall be either an animal shelter, kennel, animal hospital or such other place as designated by the Director.
2. Unless otherwise authorized by the Director, unvaccinated biting animals and animals to be confined as prescribed in Sections 30-110, 1, 2 and 3 herein shall be confined in an animal shelter, kennel or animal hospital at the owner's expense. Such facility shall provide for the following:
 - A. Construction and management which will keep the animal dry, clean, prevent its escape and prevent its contact with both people and other animals.
 - B. A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility.
 - C. Assurance that the animal will have safe and adequate water and food.
 - D. Adequate space for the animal's exercise
 - E. Protection against excessive heat and cold.
 - F. Space, cages, pens and other necessary equipment to isolate the animal for its protection against injury and infectious diseases.

Section 30-113 Animal Impoundment and Control

1. Dogs or other animals within any of the following classes may be captured and impounded at Walton County Control:
 - A. Dogs and other animals whose ownership is unknown.
 - B. Vicious dogs or animals of all kinds.
 - C. Animals off premises of their owners.
 - D. Dogs or other animals which have bitten a person or animal or which have been bitten by a dog or animal suspected of having rabies.
 - E. Animals not wearing a current vaccination tag.
 - F. Dogs or other animals suspected of having rabies.
 - G. Unconfined dogs in quarantine areas.

Section 30-114 Vaccination of Dogs and Cats

1. The owner of a dog or cat four (4) months of age or older shall cause such dog or cat to be vaccinated against rabies as defined by the this Ordinance.
2. If such dog or cat is less than one year of age upon vaccination, it shall be re-vaccinated at least one (1) year from the date of the original vaccination.
3. When dogs or cats of one (1) year of age or older are vaccinated with a vaccine approved by the Department as providing three (3) year protection, such animals shall be re-vaccinated within three (3) years. When other approved vaccines are used, yearly inoculations shall be required.
4. Vaccination by an owner unless said owner is a licensed veterinarian, shall not be recognized.
5. The owner of any dog or cat brought into Walton County for a permanent stay from outside the county shall cause such dog or cat to be re-vaccinated in accordance with this Ordinance.

6. When the owner of such dog or cat produces evidence satisfactory to the Director that such dog or cat has been vaccinated in a manner and by procedures comparable to the requirements of this Ordinance, then a Walton County certificate of vaccination may be issued in lieu of re-vaccination.
7. No person shall vaccinate dogs and cats against rabies who is not licensed to practice veterinary medicine in the State of Georgia.
8. Any dog brought into Walton County for a temporary stay not exceeding fourteen (14) days shall be confined or on a leash at all times unless it has been vaccinated for rabies in its home jurisdiction.

Section 30-115 Certificate of Vaccination

1. A veterinarian is authorized and required in connection with his practice to issue certificates of vaccination and vaccination tags.
2. Evidence of vaccination shall consist of a certification of vaccination and vaccination tag.
3. The certificate with each item answered shall be prepared in triplicate and signed by the veterinarian administering this vaccine.
4. The veterinarian shall furnish one copy to the owner, one copy to the Walton County Rabies Control Officer and retain one copy for his files.
5. The certificates of vaccination furnished to the Walton County Rabies Control Officer by the veterinarian shall be maintained by the said Rabies Control Officer in an orderly, indexed file until such certificates have expired.

Section 30-116 Vaccination Tags and Collars

1. Coincident with the issuance of the certificates of vaccination, the veterinarian shall also furnish to the owner of the vaccinated dog or cat a serially numbered tag bearing the same number and year thereon as the certificate bears.
2. Every dog and cat that is kept, possessed, maintained or harbored in Walnut Grove at all times shall wear affixed to its collar or harness a current vaccination tag.
3. It shall be unlawful for any person to attach a vaccination tag to the collar of any animal for which it was not issued, or to remove such tag from any animal.

Section 30-117 Clinics

1. The Director may operate or cause to be operated county sponsored clinics for the vaccination of dogs against rabies. These clinics shall be operated at least annually, and at such other times as the Director may establish.
2. Vaccination shall be performed by a licensed veterinarian.
3. In cooperation with the veterinarians, vaccination fees for such clinics shall be predetermined by Walton County Board of Health.

Section 30-118 Adoption

The Animal Control Unit or its chosen agent may offer for adoption any animal unredeemed or unreclaimed after:

1. Seventy-two (72) hours if the owner is unknown and the animal is untagged; or
2. Ten (10) days (240 hours), if the animal is tagged and the owner has been properly notified and the animal remains unclaimed.
3. In the event that the animal is surrendered to the Animal Control Unit by said owner, animal may be offered immediately for adoption.
4. All persons adopting must be over eighteen (18) years of age and shall provide proper and humane care, feeding, sheltering, and protection from weather, and veterinary treatment as required.
5. All persons adopting a fertile dog or cat shall cause the female to be spayed and/or the male to be neutered within thirty (30) days from date of adoption, or by the maximum age of six (6) months for a female and nine (9) months for a male, whichever is longer.
6. Any person adopting an animal shall not permit the animal to be used by any individual or institution for any purposes of research.
7. The frequency with which animals may be adopted and placed in any household may be restricted.
8. The Animal Control Unit and/or its designee reserves the right to refuse adoption of any animal to a person that does not meet specified requirements.

9. Adoption fees are set by the Board of Commissioners of Walton County and may include all or part of the costs of an examination and rabies inoculation and all or part of the costs associated with spaying or neutering dogs and cats.

Section 30-119 Summons

Any Animal Control Officer may at his/her discretion, not impound a dog or other animal found in violation of this Ordinance but may instead return the animal to its rightful owner.

Section 30-120 Interference with an Animal Control Officer

It shall be unlawful to interfere with any Animal Control Officer or officer empowered to act by law or to take or attempt to take any animal from the county vehicle used to transport said animal or to take or attempt to take any animal from the animal control shelter or impounding area.

Section 30-121 Humane Treatment of Animals

1. No person, corporation or other entity having an animal in its possession and/or control, shall fail to provide said animal sufficient food, water, shelter, and adequate protection from the elements. Veterinary care should be provided as needed to prevent suffering to said animal. Animals shall be treated with humane care at all times.
2. No person shall beat, ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit combat between animals.
3. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by any domesticated animal.

Section 30-122 Liability of City, County, Officers and Employees

City of Walnut Grove, Walton County, the Animal Control Unit and its officers shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any animal while being impounded or boarded at the animal shelter. Furthermore, the City, County, the Animal Control Unit and its officers shall not be responsible or liable in any way for the health, welfare or actions of an animal after its adoption.

Section 30-123 Violations

Any person who shall do anything prohibited by the Ordinance as the same exists or as it may hereafter be amended or, who shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be guilty of a misdemeanor, and subject to the jurisdiction of the Recorder's Court of Walnut Grove and, upon conviction, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by confinement in the County Jail or Correctional Institution not to exceed sixty (60) days, or both. *(Effective 4/28/98)*

CHAPTER 31: GENERAL OFFENSES

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Section 31-101 Disorderly Conduct

1. Any person who shall do or engage in any of the following in the incorporated area of Walnut Grove shall be guilty of disorderly conduct:

- A. Any person shall act in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his life, limb or health.
- B. Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.
- C. Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.
- D. Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life or limb.
- E. Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.
- F. Any person who damages, defaces, or disturbs public property or the property of another so as to create a hazardous unhealthy or physically offensive condition.
- G. Any person who shall resist an arrest by any police officer of the county, or anyone authorized to make an arrest, for the violation of any county ordinances or of any penal law of the state.
- H. Any person who in any way interferes with any Police Officer or other arresting officer, while arresting or attempting to arrest any person for a violation of any ordinance of the county or penal laws of the state, or who interferes with the officers in any way in the discharge of any duty incumbent on them as such officers.
- I. Any person who keeps or runs a disorderly or lewd house.
- J. Any person, who by and in any manner, creates loud noises which disrupt, disturb or otherwise interfere with the peace and tranquility of the public.
- K. Any person who after having been directed by a Police Officer to move away therefrom, shall remain or loiter in front of any church or other place of public worship during services therein, or in front of any theater, concert hall, or in front of any business house in the City, or shall obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- L. Any person who fails or refuses to remove himself from the private property of another when requested to do so by the owner or occupant(s) thereof.
- M. Any person who shall discharge a firearm in any residential area.
- N. No person shall recklessly or knowingly throw or propel any stone, brick, piece of wood or other object at any person, vehicle, house, building or other structure or object, or across or upon any private or public property.
- O. It shall be unlawful for any person to defecate or urinate on or adjacent to any street or sidewalk, 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 the public view.
- P. No person shall knowingly and willfully harass or attempt to harass or mislead any Police Officer by false alarms or unauthorized use of any device of whatever nature to summon police aid without reasonable cause.
- Q. No person shall enter or remain in any public, private or parochial school building, who is not a regularly enrolled student, teacher or employee at that school, unless the person shall have first and immediately proceeded to the administrative offices and identified themselves to the principal or the principal's agent and receives permission to remain on the premises.
- R. It shall be unlawful for any person to enter and remain in any public, private, or parochial school or on the surrounding school grounds after being directed to leave by the principal of the school or by someone with lawful authority.
- S. It shall be unlawful for any person to create a disturbance in any public, private or parochial school or on the surrounding school grounds lawfully used for school activities which such recreational areas are in use or other activities are in progress thereon.
- T. It shall be unlawful for any person to knowingly and willfully resist, obstruct, or oppose any Law Enforcement Officer or firefighter in the lawful discharge of his official duties by offering or doing violence to the person of such officer or firefighter.

2. Any person or persons failing to comply with the mandatory provisions of this Ordinance or doing any act prohibited by this Ordinance shall be guilty of an offense and upon conviction in the Magistrate Court of Walton County, Georgia, shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the County Jail for a period not in excess of sixty (60) days.

(Effective 7/6/93)

Section 31-102 Discharging Firearms, Air Guns, Etc.

1. It shall be unlawful for any person in the City to discharge any gun, pistol, air gun, BB gun, pellet gun or other firearm which projects lead or any other missile.

This Section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor to prohibit any citizen from discharging a firearm when lawfully defending person or property.

2. Any person convicted of violating subsection (2) of this Section shall be guilty of a misdemeanor of a high and aggravated nature.

Section 31-103 Report of Treatment of Wounds

All physicians and all hospital superintendents in the City are hereby required to report to the Police Department of the City all patients treated by physicians or diagnosed or known to be suffering from wounds inflicted by a dangerous or deadly weapon of any kind. Such report may be made in writing or by telephone, giving the name of the reporting person and the patient and any other pertinent data requested by the Police Department. All reports shall be made within twenty-four (24) hours after treatment by a physician or after admission to the hospital. (See *O.C.G.A.* § 31-7-9, reports by physicians and other personnel of nonaccidental injuries to patients).

Section 31-104 Throwing of Missiles

It shall be unlawful for any person in the City to throw any stone, rock, or other missile upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public or private way or place.

Section 31-105 Ball Playing

It shall be unlawful for any person to play ball by throwing, catching, pitching, or batting a ball on any public street, alley, or sidewalk of the City.

Section 31-106 Reserved

Section 31-107 Drinking in Public

It shall be unlawful for any person to consume any spirituous malt or alcoholic beverage in or upon any street, alley, sidewalk, or other public way or place in the City, or within any public building.

Section 31-108 Accumulation of Junk

It shall be unlawful for any owner or resident of any property in the City other than a person who is a licensed junk dealer to permit to accumulate on such property any "junk," including any discarded, dismantled, wrecked, scrapped, ruined, or junked motor vehicles, or parts thereof. Junk is defined as: Old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

1. **Notice to Remove.** It shall be the duty of the City Clerk or the City Marshal to notify in writing, via personal hand delivery or delivery via certified mail or statutory overnight delivery, the owner or occupant of any premises upon

which junk is permitted to accumulate in violation of the provisions of this Section that such material must be removed within ten (10) days from the date of such notice. If notice by mail is utilized, it shall be addressed to the said owner or occupant at their last known address. *(Amended 6/10/08)*

2. **Action Upon Non-compliance.** Upon the failure, neglect, or refusal of any owner or occupant so notified to remove such junk within the designated time period, the City Clerk or City Marshal shall issue a citation accordingly. This Code section shall be subject to punishment as provided for in Chapter 1, Section 1-108. *(Amended 6/10/08)*

Section 31-109 Abandonment of Motor Vehicles

It shall be unlawful for any person to abandon or to leave unattended for a period in excess of five (5) days any motor vehicle on any street, road, alley, or other public way in the municipality.

Section 31-110 Abandoned Refrigerators

It shall be unlawful to abandon any refrigerator, freezer or ice box or other device having an automatic lock on a compartment large enough to enclose a human being in any place accessible to children without first removing the doors of such refrigerator, freezer, ice box or device.

Section 31-111 Reserved

Section 31-112 Reserved

Section 31-113 Interference with Business

It shall be unlawful for any person to enter upon the premises of another, located within the City limits, for the purpose of interfering, either directly or indirectly, with the business of such person or to interfere directly or indirectly with the business of any person.

(Adopted 7/6/04)

Section 31-114 Shoplifting Prohibited

It shall be unlawful for any person to wrongfully, fraudulently or privately take, steal or carry away any article, commodity, merchandise or ware being the property of, or on the premises of and within the custody and control of any merchant duly licensed to do business within the City. *(Adopted 7/6/04)*

Section 31-115 Disturbing Price Tag Prohibited

It shall be unlawful for any person to wrongfully, fraudulently or privately change, alter or remove the price tag on any article, commodity, merchandise or ware being the property of or on the premises of and within the custody and control of any merchant duly licensed to do business within the City. This Section shall not apply to one acting with the full knowledge, consent and authority of the merchant, and pursuant to his instructions. *(Adopted 7/6/04)*

Section 31-116 Damage to City Property

It shall be unlawful for any person to injure, damage, mar, destroy, deface, remove, sever, pull down, set fire to or carry away any furniture, fixtures, equipment, books, papers, records, magazines, periodicals, supplies, street signs or other property of the City or any agency thereof, to cut, dig up, pull down, break, injure, damage, remove, or carry away any of the shrubbery, hedges, flowers or trees about the public grounds, parks or buildings of the City. *(Adopted 7/6/04)*

Section 31-117 Offenses Against Public Peace and Tranquility

It is intended by this Section to prohibit the commission of the following specific acts:

1. Disturbing the peace.
2. Resisting arrest, and resisting any officer of the municipality in the lawful performance of his duties.

3. Assembling for purposes of gaming.
4. Committing a breach of the peace.
5. Violent or boisterous conduct calculated to disturb the peace and quiet of other persons.
6. Appearing in an intoxicated condition outside of the offender's own home.
7. Making unusual or unnecessary noises calculated to disturb the peace and good order.
8. Using profane or obscene language toward others in such manner as to be offensive.
9. Committing riotous acts.
10. Maliciously interfering with pedestrians or with traffic.
11. Indecent acts in the presence of others.
12. Lewd acts.
13. Lewd or indecent acts described in subsections (11) and (12) of this Section mean any manner or conduct which:
 - A. The average person, while applying the contemporary community standard, would find, taken as a whole, predominately appeals to the prurient interest in sex; and
 - B. Such matter or conduct depicts or describes:
 - (1) Patently offensive representation or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including depiction or description of sexual intercourse, oral sex, anal sex, the use of simulation, artificial or novelty sex devices, including all forms of sodomy and bestiality; or
 - (2) Patently offensive representations or descriptions of masturbation, excretory functions, lewd and offensive exhibitions of genitals and genital areas; or
 - (3) When taken as a whole, the matter or conduct lacks serious literary, artistic, political or scientific value.

(Adopted 7/6/04)

Section 31-118 Drunkenness

It shall be unlawful for any person to be and appear on the streets of the City or in any public place of business patronized by the public in an intoxicated condition. *(Adopted 7/6/04)*

Section 31-119 Idling, Loitering, Loafing, Noise

1. **Prohibited Exceptions.** It shall be disorderly conduct and unlawful for any person, except the duly employed and authorized employees and agents of the City, or of its commissions or agencies, in the regular and necessary conduct and management of their employment by same, to be upon or to appear within any of the public parks, public areas and public buildings owned or controlled by the City, or by any of its subsidiary agencies, commissions or boards in an idling or loitering manner between the hours of 11:00 p.m. and 7:00 a.m., except and unless such person has a right to be upon and within such designated public places by virtue of a lawful admission, invitation or ticket to some activity or entertainment as authorized and being carried on by the City, or by such subsidiary agency, commission or board of the City, as may have control over such public park, area, grounds, and buildings. This subsection does not cover or apply to public streets outside such designated places.
2. **Aiding, Abetting as Idler, Loiter.** It shall be disorderly conduct and unlawful for any person to go to, congregate at, or assemble in or upon the public places, public streets and public sidewalks of the City to aid, induce, encourage or abet, as an idler or loiterer, or as an obviously interested spectator, or otherwise, any person in violation of any of this Code or any other ordinances of the City, or the laws of the state.
3. **Presumption of Aiding, Abetting.** If a person should see, hear or otherwise know or understand that a violation of such ordinance or such law is being committed or violated, or has been violated, or is planned to be violated, and should fail or refuse to use ordinary means to disassociate himself from such place or such violation, or to notify the City Police Officers of such violation, when it should appear to the ordinary person that the officers should be notified thereof, such person, presumably, aids or abets the violator, and upon conviction, shall be equally guilty with such actual violation of the ordinance or law.
4. **Noise.** 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 which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the City.

(Adopted 7/6/04)

Section 31-120 Lewdness; Prostitution

1. **Committing.** No person shall commit or offer or agree to commit a lewd act or an act of prostitution or moral perversion.
2. **Securing.** No person shall secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion.
3. **Frequenting.** No person shall be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution.
4. **Meretricious Display.** No person shall make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.
5. **Transportation.** No person shall knowingly transport any person to any place for the purpose of committing a lewd act or an act of prostitution or moral perversion.
6. **Permitting.** No person shall knowingly receive, or offer or agree to receive any person into any place of building for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or to knowingly permit any person to remain in any place or building for any such purpose.
7. **Directing.** No person shall direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.
8. **Aiding.** No person shall aid, abet, allow, permit or participate in the commission of any of the acts prohibited in subsections (1) through (7) of this Section.
9. **Disorderly Houses.** Any person who shall permit nosy or riotous persons, or persons of disorderly character, to assemble in any house owned, occupied or controlled by him, to the annoyance or disturbance of the neighborhood, shall be guilty of the offense of keeping a disorderly house.

(Adopted 7/6/04)

Section 31-121 Urban Camping and Improper Use of Public Places

1. **City Parks.** It shall be unlawful to sleep, lie down, to reside to store personal property in any park owned by the City.
2. **Sidewalks.** It shall be unlawful to sleep, to reside, to store personal property, or to sit or lie down on any sidewalk.
3. **Other Public Property—Blocking Ingress and Egress.** It shall be unlawful to sleep, lie down, to reside or to store personal property or to sit or lie down on any public property so as to interfere with the ingress or egress from buildings.
4. **Urban Camping.** It shall be unlawful to use any public place, including City parks and sidewalks, for living accommodations purposes or camping, except in areas specifically designed for such use or specifically authorized by permit.
5. **Private Property—Urban Camping Without Owner's Permission.** It shall be unlawful for anyone other than the owner, a leaseholder, an employee, or other rightful occupant to camp, sleep, reside, store personal property, or lie down, outside on any private property without the owner's or leaseholder's permission.
6. **Exceptions.** Notwithstanding anything in this Section to the contrary, this Section shall not apply to nor be construed to prohibit the following:
 - A. Persons sitting or lying down as a result of a medical emergency;
 - B. Persons sitting in wheelchairs while using parks, sidewalks, or other public places;
 - C. Persons sitting down while attending parades for which valid permits have been issued;
 - D. Persons sitting down while patronizing outdoor cafes;
 - E. Persons sitting down, lying down or napping while attending performances, festivals and concerts taking place in any park, street or sidewalk closed by permit for such purpose;
 - F. Persons sitting on chairs or benches supplied by a public agency or abutting a private property owner;
 - G. Persons sitting on seats in bus zones occupied by people waiting for the bus.
7. **Warning and Arrest.** Unless flight or an immediate threat to the safety of any person makes it impractical, a Law Enforcement Officer shall, prior to any arrest for a violation of this Section, afford the person a reasonable 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 may be arrested for violating this Section until he or she has received an oral or written warning from the law enforcement official to cease the

unlawful conduct. If the violator fails to comply with the warning issued within five (5) minutes, then he or she may be subject to arrest for urban camping.

- 8. Punishment.** Any violation of this Ordinance shall be subject to punishment as provided for in Chapter 5 of the Code of Ordinances of the City of Walnut Grove, Georgia.

(Adopted 7/6/04)

Section 31-122 Weapons

- 1. Drawing Concealed Weapons.** It shall be unlawful for any person in this City to draw from a place concealment about his person any pistol, dirk or knife.
- 2. Drawing Weapon on Another.** It shall be unlawful for any person to draw on another any weapon; provided, that any person may in good faith draw in self-defense any weapon not a concealed weapon.

(Adopted 7/6/04)

Section 31-123 Marijuana Possession

- 1.** It shall be unlawful for any person to possess or have under his or her control within the City one (1) ounce or less of marijuana.
- 2.** For purposes of this Section, the term “marijuana” shall mean all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; and shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake, or the complete sterilized samples of seeds of the plant which are incapable of germination.
- 3.** Any person charged with a violation of this Section shall be entitled, upon request to have the case against him transferred to the Superior Court of Walton County, to be prosecuted and tried as a misdemeanor of that Court.

(Adopted 7/6/04)

Section 31-124 Open Container is Prohibited

- 1.** It shall be unlawful for any person to possess an open container of any alcoholic beverage upon the public streets or highways of the City. It shall also be unlawful for any person to possess an open container of any alcoholic beverage upon private property which is open to the public except those facilities having a license from the City to sell alcoholic beverages or at portions of such facility which may be outside but adjacent to such facility.
- 2.** Open container means any container which is immediately capable of being consumed from or the seal of which has been broken.

(Adopted 7/6/04)

Section 31-125 Motor Vehicle Provisions

Aside from minor and incidental repair to the vehicles of the immediate property owner, no motor vehicle shall be repaired in any residential district. All garages shall be only for the personal use of the immediate property owner, and no motor vehicles shall be parked on grassed portions of residential lots at any time. *(Adopted 8/3/04)*

Section 31-126 Certain Parking Prohibited

It shall be unlawful for any person to park, leave unattended, or abandon any motor vehicle, trailer, or any vehicle of any type on any public street within the City under such conditions that:

- 1.** The vehicle or trailer, where parked or left, shall cause a health, safety or traffic hazard, or threat or injury to any person or property.
- 2.** The vehicle or trailer, where parked, blocks, hinders, it prevents access to public or private driveway in the City.

(Adopted 8/3/04)

Section 31-127 Motorized and Non-motorized Commercial Vehicle and Equipment in Residential Areas

1. No person shall permit, allow or use property located in any residential district in the City for any commercial parking purpose except as hereinafter provided;
2. No person shall park or leave in any residential district, upon either public or private property any of the following: Any commercial truck, trailer, tractor, tractor-trailer rig, or other commercial motor vehicle or equipment (collectively "motorized vehicle") or any commercial trailer or other non-motorized vehicle or equipment which may or may not be attached or connected to a motorized vehicle.
3. This Section shall not be applicable to motorized and non-motorized vehicles referred to above if same are being used on bona fide business calls or for deliveries in the ordinary course of business and which are not otherwise prohibited in a residential area.
4. The provisions of this Ordinance shall apply not only to the owner of any such vehicle but to the driver or occupant thereof and to any person who owns or occupies private property upon which such motorized or non-motorized vehicle is located.

(Adopted 8/3/04)

Section 31-128 Parking on Unpaved or Unsurfaced Areas

1. It shall be unlawful for any person to park any motor vehicle, motor home or trailer on any area which is not paved, graveled or asphalted and designed for use as a parking area. Any driveway or parking area composed or constructed of gravel or other comparable loose aggregate material must be constructed and landscaped in such a fashion so to have a permanent border to prevent erosion or loss of the gravel or other aggregate material outside of the confines of the parking area.
2. This Section is intended to supplement and not limit any other provisions of either the Code of Ordinances of the City or the zoning ordinance of the City relating to parking and limitations placed thereon.

(Adopted 8/3/04)

Section 31-129 Notice to Remove; Inoperability; Penalty for Noncompliance

1. It shall be unlawful for any person to store, retain, allow to remain on one's property or keep in the City inoperative, wrecked or junked automobiles or any parts and pieces thereof or other motor vehicles for more than seventy-two (72) hours after being directed to remove such vehicle by the City Clerk, the Mayor, or by the City Marshal or the Sheriff's deputies or any other authorized law enforcement officer. Such notice shall be affixed to the vehicle in the event the owner or the person storing or keeping such vehicle cannot be determined and personally served with the notice.
2. After the seventy-two (72) hour period has expired, each day in which the inoperative, wrecked or junked vehicle remains in the City shall be deemed a separate and distinct offense and a violation of this Article and the owner of such vehicle and the owner of the property on which the vehicle is located shall be issued a citation.
3. The following vehicles shall, prima facie, be deemed inoperative:
 - A. Any motor vehicle that does not display a valid, current license tag, registration sticker, or motor vehicle safety sticker;
 - B. Any motor vehicle that does not display a current, valid emission control sticker if required;
 - C. Any vehicle incapable of being driven or operated;
 - D. Any vehicle not covered by a valid, current insurance policy as required by state law;
 - E. Any vehicle with the wheels or tires removed; and
 - F. Any vehicle without a windshield.
4. This ordinance does not apply to the following vehicles:
 - A. Any vehicle held in connection with a business enterprise, lawfully licensed by the City and properly operated in the appropriate business zone, pursuant to the zoning laws;
 - B. Any motor vehicle in operative condition specifically adapted or designed for operations on drag strips or raceways; or,
 - C. Any vehicle retained by the owner for antique collections purposes.
5. Any such vehicle to which this ordinance applies not removed as directed by the City within twenty-four (24) hours after a citation has been served under this ordinance shall be declared a public nuisance and be subject

to removal by the City or its designee, and all costs or charges associated therewith, including storage, shall be payable by the owner thereof and shall become a charge and lien against the vehicle.

6. Notice posted on one (1) vehicle or delivered to the owner or occupant of the property upon which the vehicle is stored shall be sufficient notice as to all junked, wrecked or inoperative vehicles on the premises at the time of the giving of the notice.

(Adopted 7/8/08)

Section 31-130 Removal of Vehicles

1. When any vehicle is parked or stopped in violation of this Chapter or of any ordinance of the City, it shall be the duty of the Police Department to have such vehicle towed to such place as may be designated by the City Council.
2. When any vehicle remains parked or stopped on the streets and highways within the corporate limits of the City for a period of seventy-two (72) hours and after notice has been given by the City Police Department to the person in control or in charge of such vehicle, it shall be deemed abandoned and the City Police Department or Sheriff's deputies may have such vehicle towed to such place as the City Council may designate.
3. Any person who parks or stops a vehicle on any street or highway within the corporate City limits of the City, or parts thereof, or any person who stores or permits to be stored or left on or adjacent to premises which he owns or occupies any junked, wrecked, or inoperative vehicle or car for a period of seventy-two (72) hours in any five (5) day period shall be in violation of this Section. For purposes of this Section (3), the seventy-two (72) hours do not have to be a consecutive period of seventy-two (72) hours, but rather, any time increments totaling seventy-two (72) hours within a given five (5) day period.

Notice posted on one (1) vehicle or delivered to the owner or resident of the property adjacent to where the vehicle is parked or stored shall be sufficient notice as to all junked, wrecked or inoperative vehicles adjacent to the premises at the time of the giving of the notice, or which may be brought onto the streets adjacent to the premises any time within a sixty (60) day period following the service or posting of the notice. After the expiration of the initial seventy-two (72) hour period, any junked, wrecked or inoperative vehicle adjacent to the premises on the public streets may be removed as provided for above, and each day thereafter shall constitute a separate and distinct violation of this Section.

The provisions herein contained for notification shall not be applicable where motor vehicles, or parts thereof, which are located on a public street or highway within the City are deemed to constitute a traffic hazard, health hazard or unsightly nuisance. The City Police Department is authorized to remove such vehicle, or vehicle parts, without the requirement of prior notification where such a hazard is deemed to exist.

(Adopted 8/3/04)

Section 31-131 State Registration Presumption of Ownership

It shall be presumed that the owner is the registered owner of the vehicle according to state records but any person causing or allowing any such vehicle to be left on the public streets shall likewise be guilty and subject to punishment for violation of this Chapter. *(Adopted 8/3/04)*

Section 31-132 Agreement for Wrecker Service

The City Council is authorized to enter into an agreement with any person for the services of a wrecker to be used for the purposes set forth herein. Such agreement shall provide a fixed charge to be paid for each vehicle towed under the provisions of this Article and further that the persons with whom the agreement is made be adequately insured.

(Adopted 8/3/04)

Section 31-133 Noise

1. **Certain Noises Prohibited.**
 - A. It shall be unlawful and a violation of this Section for any person to make, continue or cause to be made or continued, any loud or excessive noise which, because of its volume level, vibration, duration and

character, annoys, disturbs, injures, endangers or unreasonably interferes with the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the jurisdiction of the City.

- B. It shall be unlawful and a violation of this Section for the owner, operator, or manager of any business establishment located within the City to knowingly cause, permit or allow on the premises from which the business is located any loud or excessive noise which, because of its volume level, vibration, duration and character, annoys, disturbs, injures, endangers, or unreasonably interferes with the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the jurisdiction of the City. It shall further be unlawful and a violation of this Section for the owner, operator, or manager of any business establishment located within the City to knowingly cause, permit, or allow on the premises from which the business is located any of the specifically prohibited conduct set forth in Section 31-133 (2)(A) through (K), below.

2. **Specific Prohibitions.** In addition to the general prohibition set out above, the following specific acts are declared to be in violation of this Section:

- A. **Horns, Signaling Device.** The sounding of any horn or signaling device of a motor vehicle on any street or public place within the jurisdiction of the City continuously or intermittently for a period in excess of sixty (60) seconds, except as a danger or emergency warning.
- B. **Radios, Televisions, Musical Instruments and Similar Devices.**
- (1) The operation or playing of any radio, musical instrument or similar device which produces sound on the public right-of-way in such a manner as to be plainly audible to any person other than the player or operator of the device.
 - (2) The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a manner as to be plainly audible at a distance of fifteen (15) meters (fifty feet [50']) to any person in a commercial, industrial, residential or noise-sensitive area, multifamily dwelling, motor vehicle or public place.
- C. **Loudspeakers and Sound Amplifiers.** The use or operation of any loudspeaker, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space if such sound therefrom or bass vibration therefrom is plainly audible or perceptible across the real property line of the source; provided that this shall not apply to any public performance, gathering or parade for which a permit has been obtained from the City.
- D. **Street Sales.** The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area, public rights-of-way, or public space except by permit issued by the City.
- E. **Animals.** The owning, possessing or harboring of any animal which frequently or continuously howls, barks, meows, squawks or makes other sounds which creates excessive noise across a residential or commercial real property line or within a noise-sensitive area. For the purpose of this Section, barking dogs shall include dogs that bark, bays, cries, howls or makes any other noise continuously for a period of ten (10) minutes, or barks intermittently for one-half (½) hour or more to the disturbance at any time of day or night regardless of whether the dog is physically situated in or upon private property.
- F. **Construction and Demolition.** The operating of any equipment used in construction work within one thousand five hundred feet (1,500') of any residential or noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, except for emergency work; and to prohibit pile driving, jack hammering, and blasting on weekends and holidays, and for all other days between 6:00 p.m. and 6:00 a.m. For purposes of this subsection, distances are to be measured from the property line of the nearest residence in a noise-sensitive area in any direction to the prohibited construction operation.
- G. **Powered Model Vehicles.** The operation of, or permitting the operation of, powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends or holidays within or adjacent to residential or noise-sensitive areas, public rights-of-way or public space such that the sound therefrom is plainly audible across the real property line of the source.
- H. **Emergency Signaling Devices.**
- (1) Except in case of an emergency, the intentional sounding of any alarm, between the hours of 10:00 p.m. and 7:00 a.m.
 - (2) The testing of any alarm for a period in excess of sixty (60) seconds at any time.
 - (3) The testing of a complete emergency signaling system, including the signaling devices and the personnel response to the signaling device, more than once in each calendar month, and the sounding of the emergency signaling system for a period in excess of fifteen (15) minutes.

- I. **Motor Vehicles.**
 - (1) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.
 - (2) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.
 - J. **Blowers, Engines, Machinery, Etc.** The operation by any person(s) of any noise-creating power blower, power fan, power tool, air compressor, internal-combustion engine (except trains, motor vehicles or motorcycles), or other similar equipment or machinery which causes noise due to its operation, within five thousand feet (5,000') of any residential or noise-sensitive area, unless the blower, fan, tool, compressor, engine, or other machine is equipped with a functional muffler device or is contained or housed within a structure sufficient to deaden the noise to the point that is not plainly audible to a person of normal hearing ability in the residential or noise-sensitive area nearest the source of said noise, between the hours of 10:00 p.m. and 7:00 a.m. on weekends and 10:00 p.m. and 10:00 a.m. on weekdays and holidays.
 - K. **Commercial Garbage Collections.** The servicing of private, commercial garbage dumpster by any person(s) using garbage collection vehicles and equipment within one thousand five hundred feet (1,500') of any multifamily dwelling, residential area, or noise-sensitive area, between the hours of 11:00 p.m. and 6:00 a.m. on weekdays and holidays; however, this shall not apply to the collection of garbage from any establishment which has a plastic lid on its dumpster and where it has been determined by the City Council or its designee that the collection of garbage during the establishments hours of operation would be a safety hazard.
3. **Special Permits.** Any person desiring relief from the provisions of Section (2)(F) of this Section shall apply for a special permit to cause or create noise which would otherwise be in violation of this Section at least twenty-one (21) days prior to the date for which the relief is requested. Applications for a special permit shall be made in writing to the City Council, or the designee of such Council on forms provided for that purpose. Payment of a fee of one hundred dollars (\$100.00) shall accompany the application. The Council shall grant a special permit upon a showing by the applicant of the following:
- A. Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this Section; or
 - B. The activity, operation or noise source will be a temporary duration and cannot be done in a manner that would comply with the provisions of this Section; and
 - C. No reasonable alternative is available to the applicant.

(Adopted 8/3/04)

Section 31-134 Nuisance Created by Improper Handling of Garbage; Penalty for Failure to Abate

- 1. Any person who permits or allows any refuse, waste matter or other substance commonly classified as garbage and collected and disposed of by the City to remain at or upon any premises in the City in such a condition as to provide a breeding place for flies, a feeding place for rats and a source of foul and obnoxious odors shall be deemed to have created a nuisance.
- 2. Any person who creates a nuisance as described in this Section and who fails to abate such nuisance after notice from the City of Walnut Grove shall, upon conviction thereof, be punished as provided in Section 1-12. Each day that such nuisance goes unabated shall constitute a separate offense.

(Adopted 8/3/04)

Section 31-135 Required

Every person, whether owner, tenant, agent or employee, owning, holding or occupying property in the City shall at all times maintain such property, whether a vacant lot or otherwise, in a clean and sanitary condition, keeping all weeds cut, wastepaper, trash and other rubbish of every sort cleaned off of such property. *(Adopted 8/3/04)*

Section 31-136 Notice to Cut Weeds, Remove Trash Required; Failure to Comply; Work Done by City

If any person whether owner, tenant, agent or employee shall fail or refuse to cut the weeds from and clean up all wastepaper, trash and rubbish of every character from any vacant lot or other property owned, held or controlled by such person within ten (10) days after notice by the City, so to do, the City Clerk, the Mayor, the Police Department or the Sheriff's deputies shall thereupon cause such work to be done. *(Adopted 8/3/04)*

Section 31-137 Assessment and Lien for Costs When Work Done by City

When the City Clerk, the Mayor, the Police Department or the Sheriff's deputies has caused weeds to be cut from any premises or wastepaper, trash or other rubbish to be removed, a resolution shall be passed assessing the cost of the cutting of such weeds, cleaning and rendering sanitary such vacant lot or other property against the owner, tenant, agent or employee owning, occupying or controlling such property. Such assessing resolution shall thereupon assert a lien upon the property so cleaned and rendered sanitary and a lien against the owner, tenant, agent or other party in charge of such property. Such lien shall date from the completion of the work on the property, and such lien shall be declared at the time the assessing resolution is passed. *(Adopted 8/3/04)*

Section 31-138 Notice of Assessment; Time Limit for Payment; Service of Notice

1. A written statement shall be furnished by the Clerk of the City to the owner, agent or other party in charge of the property subject to the assessment provided for in Section 31-137 showing the amount of the assessment. It shall be the duty of the owner, agent or other party in charge of the property subject to such assessment to pay the Clerk within thirty (30) days after the receipt of such statement the entire amount of the assessment against such property and such owner, tenant, agent or other party in charge of such property.
2. Notice of such assessment shall be served personally or by certified mail with return receipt requested on each owner, tenant, agent or other party owning, holding, occupying or in control of such property who resides in the City. Where such person is a nonresident of this City such notice shall be mailed to the last known post office address of such person. In the event such owner, tenant, agent or other party in control of the property is not known, it will be sufficient to serve such notice by posting the same before the front courthouse door and at two (2) other public places in the City.

(Adopted 8/3/04)

Section 31-139 Failure to Pay Assessment; Issuance and Effect of Execution

When any such owner, tenant, agent or other party in control of such property subject to assessment as provided in Section 31-135 fails or refuses to pay to the Clerk of the City the amount of such assessment at the expiration of thirty (30) days after the service of the notice of statement provided in Section 31-137, the Clerk shall issue an execution bearing date of its issuance in the name of the Mayor of the City and specifying the purpose for which it is issued against the owner, tenant, agent or other party in control of the property subject to the assessment and also against the property of such owner, tenant, agent or other party in control of the property upon which the work in question is performed. Such execution shall assert and be a lien against the property from the date of the completion of the performance of the work hereinbefore described and shall bear interest at the rate of seven percent (7%) per annum from the date on which it is issued. *(Adopted 8/3/04)*

Section 31-140 Delivery of Execution; Levy and Sale of Property; Applicable Law

The execution issued under the provisions of Section 31-139 shall be delivered to the Chief of Police, who shall execute the same by levying upon and selling the property described therein or so much thereof as may be necessary for the amount due the City from the doing of such work, together with all costs that may accrue thereon. The law applicable to the sales under other executions issued by the City shall apply to the levy, notice, advertisement and sale made under such execution and the levying officer shall have authority to execute a deed to the purchaser when the property is sold and shall deliver the possession thereof to the purchaser within the time required by law as under tax execution.

(Adopted 8/3/04)

Section 31-141 Loitering or Prowling

1. 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.
2. 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 identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Code 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 Code section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.
3. It shall be unlawful for any person to loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution or sodomy. Among the circumstances which may be considered in determining whether such purpose is manifested are: that such person is a known prostitute, pimp, or sodomist, repeatedly beckons to, stops or attempts to stop, or engages passers-by in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any bodily gesture. No arrest shall be made for a violation of this section unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.
4. A person committing the offense of loitering or prowling shall be guilty of a misdemeanor.

(Adopted 1/7/04; amended 5/24/2012)

Section 31-142 Truck Restrictions

1. **Truck over 6 Wheels Prohibited on Parkway.** Trucks over 6 wheels are prohibited from using the Walton Grove Parkway, a controlled-access roadway, as such trucks are expressly found to be incompatible with the normal and safe movement of traffic in that area. The purpose of this restriction, is to protect the public safety in the use of the City's streets, to facilitate and expedite traffic, and to protect the streets from unusual wear and damage. The mayor and council have control and supervision over its roads and streets. This prohibition is based on a Traffic Engineering Investigation and recommendation.

This prohibition shall be posted with appropriate signage so as to apprise drivers of trucks that such trucks are prohibited from turning off highway 81 and highway 138 onto the parkway. Also, such trucks are prohibited from turning off Hwy. 81 onto Park Street and east on Park Street from Industrial Parkway. The signage shall be in proper position and sufficiently legible to be seen by an ordinarily observant person. Any law enforcement officer or code enforcement officer or employee of the Department of Public Safety to whom law enforcement authority has been designated who observes a motor vehicle being operated upon a public road of the state and who has reason to believe that any provision hereof is being violated is authorized to stop such vehicle and make investigation of such.

Exemption. Trucks making a delivery to an address on the Parkway and Park Street, with documentation proving such delivery, are permitted on the Parkway and Park Street solely for that limited purpose, and shall depart by the shortest route to highway 138 or highway 81. Provided, however, the maximum total gross weight of a vehicle and load shall not exceed 56,000 pounds.

All persons violating the foregoing will be guilty of a misdemeanor and, upon conviction, may be punished by a fine not to exceed one thousand dollars (\$1,000.00) per violation, each instance being considered a separate violation.

(Adopted 7/8/2010)

CHAPTER 32: LICENSING AND BUSINESS REGULATION

Section

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ARTICLE I. RESERVED

Section 32-101 Applications

Every person required to procure a license under the provisions of this Section or any section or law of this municipality shall submit an application for such license to the City Clerk, which application shall conform to the requirements of this Section.

1. **Form of Application.** Each application shall be a written statement upon forms provided by the City Clerk.
2. **Contents of Application.** Each application shall contain the following information:
 - A. Name and home address of the applicant if an individual, or home office address if a corporation or partnership;
 - B. Place where the proposed business is to be located;

- C. Kind of business to be conducted;
 - D. Names and home addresses of the partners, if a partnership;
 - E. Names and home addresses of the officers and directors, if a corporation;
 - F. Complete record of all arrests and convictions against the applicant and every partner, officer, or director of the applicant for violation of any and all laws and ordinances of the City, state, or federal government; and
 - G. Such additional information which the City Clerk or City Council may find reasonably necessary to the fair administration of this Section.
3. **Verification.** Each application shall be sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.

In accordance with *O.C.G.A.* § 36-60-6, the City of Walnut Grove shall not issue a business license to any person engaged in a profession of business required to be licensed by the state under Title 43 of the *O.C.G.A.* The person requesting a business license from the City of Walnut Grove must provide the City with evidence of licensure by the state. No business license may be issued by the City of Walnut Grove without such proof.

Professions and businesses required to be licensed by the state are as follows:

Accountants Architects Athletic Trainer Athlete Agents Auctioneers
Barbers
Charitable Solicitors Chiropractors Coin Operated Amusement Machine Owners and Operators Contractors, Air Conditioned Contractors, Low Voltage Contractors, Utility Cosmetologists Counselors, Professional
Dentists Dental Hygienists Dietitians Dietetic Counselors Driver Training Instructors Driver Training Schools Operators
Electrical Contractors Embalmers Engineers, Professional
Firearms Dealers Funeral Directors
Geologists
Hotel, Inns and Roadhouse Operators
Junk Dealers

Landscape Architects Land Surveyors Lawyers Librarians
Merchant, Transient Motor Vehicle Dealers
Nurses Nursing Home Administrators
Occupational Therapists Opticians, Dispensing Optometrists Osteopaths Licensed Under Chapter 34 of Title 43
Pest Control, persons engaged in structural Physical Therapists Physicians Licensed Under Chapter 34 of Title 43 Physician Assistants Plumbers Podiatrists Polygraph Examiners Practitioners of Physiotherapy Private Detective and Private Security Business Operators Psychologists
Real Estate Appraisers Real Estate Brokers and Salespersons Recreation Administrators, Leaders, Specialists and Technicians Respiratory Care
Sanitarians, Registered Professional Scrap Metal Processors Social Workers Speech Language Pathologists and Audiologists
Therapists, Marriage and Family
Used Car Dealers Used Motor Vehicle Parts Dealers, Dismantlers and Rebuilders and Salvage Dealers
Veterinarians
Water and Wastewater Treatment Plant Operators and Laboratory Analysts

4. **Payment of Fee.** Each application shall be accompanied by the amount of the fee chargeable for such license, such amount to be prorated by quarters to the end of the fiscal year.
- A. **Issuance of Receipts.** The City Clerk shall issue a receipt to the applicant for the amount of the fee tendered with the application for a license, provided that such receipt shall not be construed as approval of the application, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this Section.

- B. **Rebate of Fee.** Upon the disapproval of any application for which a fee has been submitted under the provisions of this chapter, the City Clerk shall refund such fee, provided that the applicant is not otherwise indebted to the City.
- 5. **Confidentiality of Information.** All information furnished or secured under the authority of this Section shall be kept in strict confidence by the City Clerk, shall not be subject to public inspection, and shall be utilized solely by the officers of the City responsible for administering the provisions of this Section.
- 6. **False Statements.** False statements on any application for a license shall be grounds for immediate revocation of such license.

Section 32-102 Procedures for Issuance

- 1. **Applications.** Business License Applications may be approved by the Mayor or Mayor pro tem, plus any two (2) City Councilmembers. Such applications shall be reviewed by the Mayor or in his/her absence, or by the Mayor pro tem, who will then submit the Application to no less than two (2) Councilmembers for review and approval. All approved applications shall be reported to the City Council at its next regular scheduled meeting. To evidence their approval of the license, each official reviewing the application must date and sign said application. No business license shall be issued until said application contains the necessary signatures and date.

In the event any official to which an application is submitted objects to the issuance of such a license, the application must be submitted to City Council of adoption at a regular or called meeting of City Council.

(Adopted 7/2/96)

- 2. **Council Consideration.** Upon the receipt of the recommendation of the reviewing officer as hereinabove provided, or upon the receipt of the application if no reviewing officer is designated, the City Clerk shall forward such recommendation and/or application to the City Council, or its designated committee, for consideration and action at its next regular scheduled public meeting.
- 3. **Issuance of License.** Upon the express approval of the City Council, or its designated committee, the City Clerk shall issue a business license to the applicant therefor, which license shall state the nature of the business authorized and bear the date of issuance and the signature of the Mayor and City Clerk.
- 4. **Limitation on Issuance.** No license shall be issued to any applicant whose place of business is not in full compliance with the provisions of this Section.
- 5. **Council Discretion.** The granting of a business license under the provisions of this Section shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in such business.

Section 32-103 Display of License

It shall be the duty of any person conducting a licensed business in the City to keep his license posted in a conspicuous place on the premises used for such business at all times.

Section 32-104 Inspections

- 1. **Search of Premises.** Whenever inspections are a reasonable precedent to the licensing of a business or to the detection of violations of public peace, order, or morality that would normally be cause to revoke a license for any period of time, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto, for the purpose of making the inspection, any officer or employee of the City who is authorized or directed to make such inspection at any reasonable time that admission is requested.
- 2. **Testing of Material.** Whenever an analysis of any commodity or material is a reasonable precedent to the licensing of a business or to the detection of violations of the public welfare that would normally be cause to revoke a license for any period of time, it shall be the duty of the licensee of the municipality whose business is governed by such provision to give to any authorized officer or employee of the City requesting the same, sufficient samples of such material or commodity for such analysis.
- 3. **Refusal to Allow Inspection.** In addition to any other penalty which may be provided, the Mayor may revoke the license of any licensed proprietor of a licensed business in the City who refuses to permit any officer or employee who is authorized to make such inspection or take such sample to make the inspection, or take an adequate sample of the said commodity, or who interferes with such officer or employee while in the performance of his

duty in making such inspection; provided, that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the City, stating that such inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

Section 32-105 Termination and Renewal of Licenses

1. All annual licenses shall terminate on the last day of the fiscal year of the City when no provision to the contrary is made.
2. Each licensee shall make a written application for renewal on forms supplied by the City Clerk each year on or before January 1, which application shall contain substantially the same information as the initial application and be accompanied by all required fees.
3. An applicant for renewal of a license shall be entitled to a refund of fees tendered if he withdraws his application for renewal prior to final action on the same by the City Council.
4. All license fees shall be prorated over the year in which the license is to have effect in quarters. Any license purchased during a quarter shall pay for that quarter and all the remaining quarters in the year.

Section 32-106 Revocation, Suspension, Etc.

After affording the licensee notice of the charges and opportunity to be heard with respect to any revocation proceedings, the City Council may, if it finds this chapter to have been violated by the licensee, his agent, or employee, revoke such license in its entirety, suspend the same for a specified period of time, place the licensee on probation, or place other conditions thereon as the City Council may deem necessary.

Section 32-107 Change of Location

In the absence of any provision to the contrary, the location of any licensed business or occupation may be changed, provided ten (10) days notice thereof is given to the City Clerk, and provided that all building and zoning requirements are complied with.

Section 32-108 Transfer of Licenses

All licenses shall be personal to the licensee to whom issued; but, in cases where the ownership is changed and both the name and location of the licensed business or occupation are maintained, the Mayor and City Council may allow the license to be transferred.

Section 32-109 Duplicate Licenses

A duplicate license shall be issued by the City Clerk to replace a previously issued license which has been lost, stolen, defaced, or destroyed without any willful conduct on the part of the licensee, upon the filing of a sworn affidavit attesting to such fact and the payment of a fee of one dollar (\$1.00) to the City Clerk.

Section 32-110 Branch Offices

For the purpose of this Section, each branch establishment or location wherein a representative of the owner is employed and is authorized to transact business for such owner shall be deemed a separate place of business, for which a separate license shall be required; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this Section shall not be deemed to be separate places of business or branch offices.

Section 32-111 Joint License

A person engaged in two (2) or more businesses at the same location shall be required to obtain separate licenses for conducting each of such businesses for which a license is required.

Section 32-112 Penalties

1. Any person, firm company or corporation required by this Section to obtain a license to engage in any trade, business or profession within the corporate limits of the City of Walnut Grove, who shall fail to make application therefor within the time limits prescribed shall be subject to an required to pay a penalty of fifty percent (50%) of the regular license fee; provided that the City clerk-treasurer, when in his judgment circumstances may warrant, may grant an extension of time (in no case exceeding sixty (60) days) within which the applicant may file an application and pay the license fee. No penalty will be charged on any license on which an extension of time has been granted.
2. Any person violating any other provisions of this Ordinance shall upon conviction in recorder's court be fined for each offense in an amount not exceeding one thousand dollars (\$1,000.00) and costs or six (6) months as determined by the judge. *(Amended 8/29/07)*

ARTICLE II. BUSINESSES REGULATED

Section 32-201 Beer, Wine, and Liquor Regulations

1. **Type of Sale.** Each wholesale dealer and retail dealer of beer and wine, as such terms are defined in Chapters 5 and 6 of the *O.C.G.A.* who does business within Walnut Grove shall be required to obtain a license from the City Clerk in the manner specified in this Section.

The premises described in retail license for the sale of malt beverages and vinous liquors for purpose of on-premises consumption shall be one of the following:

- A. **Restaurant.** Any public place kept, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchens and dining room equipment and seating capacity of at least thirty (30) people, having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. At least one meal per day shall be served at least six (6) days a week, with exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted, with serving malt beverages and vinous liquors to be consumed on the premises as only incidental thereto. Should sales of malt beverages and vinous liquors exceed food sales for any period of ninety (90) days it shall be prima facie evidence that the principal business of the licensee is not that of serving food.
 - B. Each holder of a retail license for the sale of malt beverages and vinous liquors for on-premises consumption (pouring license) that is licensed under the criteria of Section 32-201(1)(A) "Restaurant" hereinbefore shall, as a condition of maintaining such license, file with the City Clerk within thirty (30) days after the end of each calendar quarter a verified statement of the license holder's retail sales during the preceding calendar quarter on forms provided by the City Manager. The forms for such quarterly verified statements shall reflect the licensee's total dollar sales amount for the applicable calendar quarter, the total amount for applicable calendar quarter, the total dollar sales amount for sales of malt beverages and vinous liquors and total dollar sales for food items. The subject statements shall be confidential in nature and shall not be open for public inspection. Said forms shall be used solely by the City Manager for determination of whether or not the licensee remains qualified to hold its retail license for the sale of malt beverages and vinous liquors for on-premises consumption (pouring license) in accordance wit the provisions of Section 32-201(1)(A), "Restaurant." Failure to timely file such statements shall be basis for the revocation of the license granted pursuant to this Section.
2. **Retail License Qualifications.** The retail licensee must be a person of good moral character, a citizen of the United States, and the State of Georgia.
 - A. The licensee shall not have been convicted within twelve (12) months of the date of his application of a felony, or any violation of the laws of this state, or any other state, relating to the sale of alcoholic beverages.
 - B. The licensee shall be the owner of the premises for which the license is held or the holder of any lease thereon.
 - C. The licensee shall be active in, and solely responsible for, the management and operation of the business for which the license is granted.

- D. The applicant shall make a sworn statement of his qualifications according to the above and shall place same on file with the Walnut Grove City Clerk before any license is issued.
 - E. If the applicant covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements of these qualifications.
 - F. No person shall be granted a license to engage in the sale of malt beverages (beer) or wine at retail unless it shall appear to the satisfaction of the Mayor and Council of Walnut Grove that such person or officers and directors of any corporation, shall be of good moral character.
 - G. Any misstatement or concealment of fact in the application shall be grounds for revocation of the license issued and shall make the applicant liable to prosecution for perjury under the law of the State of Georgia.
3. **Wholesale Permits.** Wholesale licenses shall be issued only to those parties who are licensed by the State of Georgia to sell and distribute malt beverages (beer), wine, or liquor at wholesale. Application shall be made with the Walnut Grove City Clerk; and the applicant shall present evidence to show that all laws and regulations pertaining to such activities in this City are understood by the applicant.
4. **Regulations.** No holder of a license authorizing the sale of malt beverages (beer) and/or wine at retail in the City of Walnut Grove nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:
- A. Knowingly sell beer, wine, and/or liquor to a minor.
 - B. Knowingly sell beer, wine, and/or liquor to any person while such person is in an intoxicated condition.
 - C. Sell beer, wine, and/or liquor upon the licensed premises or permit beer, wine, and/or liquor to be consumed thereon, on any day or at any time when such sale or consumption is prohibited by law.
 - D. Permit on the licensed premises any disorderly conduct, breach of peace, or any lewd, immoral, or improper entertainment, conduct or practices.
 - E. It shall be unlawful for any person to manufacture, sell or possess for the purpose of sale, any malt beverages (beer), wine, and/or liquor where such person does not have a license from the City to sell or possess for sale such beverages.
 - F. Malt beverages (beer), wine, and/or liquor shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the City of Walnut Grove to make deliveries in said City.
 - G. Transportation of malt beverages (beer), wine, and/or liquor by any other means shall be grounds for revocation of retail license or wholesale permit.
 - H. Dealers in malt beverages (beer), wine, and/or liquor shall not engage in the sale of such beverages except between the hours of 7:00 a.m. and 11:00 p.m. on weekdays, and shall not permit their places of business to be opened for the sale of such beverages on Sunday, election days, or any other days prohibited by the state law.
 - I. A license shall be a mere grant or privilege to carry on business during the term of the license, subject to all terms and conditions imposed by this chapter, or any future ordinance, and subject to revocation with or without cause, and with or without notice or hearing. In case of revocation, the license shall not be entitled to a return of the unearned license fee. All such licenses shall have printed on the from these words:
 - “This license is a mere privilege subject to be revoked and annulled by the Mayor and Council of Walnut Grove, with or without notice or hearing.”*
 - J. Any violation of the provisions of this chapter shall be grounds for immediate revocation of a license by the Mayor and Council of Walnut Grove.
5. **Joint Responsibility. Sales to Minors: Possession by Minors:**
- A. **Minor defined.** The term Minor as used in this Ordinance shall mean any person under the age of twenty-one (21) years.
 - B. It shall be unlawful for a minor to attempt to purchase, actually purchase, or for any other person to purchase alcoholic beverages for a minor.
 - C. It shall be unlawful for a minor to exhibit faked, forged or borrowed credentials in an effort to obtain goods and services (alcoholic beverages) to which he is not legally entitled.
 - D. It shall be illegal for a minor to loiter in an establishment selling alcoholic beverages at retail.
 - E. It shall be unlawful for any minor to have alcoholic beverages in his or her possession.
 - F. No person engaged in the business regulated hereunder shall make or permit to be made any sales to minors.

- G. Any violation of the provisions of this Section of this chapter shall constitute a misdemeanor and the offender upon being found guilty shall be punishable as for a misdemeanor.

6. License Fees, Etc.

- A. The applicant for a wholesale beer license shall pay to the City of Walnut Grove at the time of his license being issued the sum of one hundred dollars (\$100.00), as an annual license fee for operation for one (1) year beginning on the first day of January or one-half (½) of this amount if the license is issued during the last six (6) months of the license year.
- B. The applicant for a wholesale wine license shall pay to the City of Walnut Grove at the time of his license being issued the sum of one hundred dollars (\$100.00), an annual license fee for the operation for one (1) year beginning on the first day of January or one-half (½) of this amount if the license is issued during the last six (6) months of the license year.
- C. The applicant for a retail beer off-premise license shall pay to the City Clerk of Walnut Grove at the time his license is received the sum of one hundred dollars (\$100.00), as an annual license fee for operation for one (1) year beginning on the first day of January. Such license shall not be transferable from one person to another and shall not be transferable from one location to another except with the expressed approval of the licensing body of the City of Walnut Grove.
- D. The applicant for a retail wine license shall pay to the City Clerk of Walnut Grove at the time his license is received the sum of one hundred dollars (\$100.00) as an annual license for operation for one (1) year beginning on the first day of January. Such licenses shall not be transferable from one person to another and shall not be transferable from one location to another except with the expressed transferable from one location to another except with the expressed approval of the licensing body of the City of Walnut Grove.
- E. The applicant for a retail liquor license shall pay to the City Clerk of Walnut Grove, at the time his license is received, the sum of one thousand five hundred dollars (\$1,500.00) as an annual license for operation for one (1) year beginning on the first day of January. Such licenses shall not be transferable from one person to another and shall not be transferable from one location to another except with the expressed transferable from one location to another except with the expressed approval of the licensing body of the City of Walnut Grove. *(Amended 1/20/90)*
- F. Each applicant for a retail license for on-premises consumption shall pay to the City Clerk at the time of license is issued the sum of five hundred dollars (\$500.00) as an annual license fee for one (1) year, commencing on the first day of January and terminating on the thirty-first day of December of each year. *(Amended 2/7/84)*
- G. No license shall be issued for less than a calendar year period, or the remainder thereof, and in case of the revocation or surrender of such license before the expiration of such calendar year period, the holder thereof shall not be entitled to receive any refund whatsoever. *(Amended 2/7/84)*
- H. All licenses must be obtained and fees paid not later than two (2) weeks from the date of the approval of the application by the Mayor and Council, and if not so obtained, the permit shall be void.

Any holder of a license hereunder who shall begin the operation of the business and sale of the product or products as authorized in the said license, but who shall, for a period of nine (9) consecutive months thereafter, cease to operate the business and sale of the product or products authorized in the said license shall, upon completion of the said none (9) month period, automatically forfeit his license, which license shall, by virtue of said failure to operate, be cancelled without the necessity of any further action of the Mayor and Council.

(Amended 2/7/84)

- 7. **Hours of Operation.** The hours of operation of retail licensees for the sale of malt beverages, wine, and/or liquor shall be between the hours of 7:00 a.m. and 11:00 p.m. The hours of operation of wholesale licensees for the distribution of malt beverages, wine, and/or liquor within the City shall be between the hours of 7:00 a.m. and 8:00 p.m. There shall be no malt beverages, wine, and/or liquor sold or distributed within the City on Sundays, or any other days prohibited by the state law.
- 8. **Authority to Issue Licenses.** All applications for such licenses shall be presented to the Mayor and Council for approval, and if approved, the licenses shall be issued by the City Clerk upon the payment of the required fee.
- 9. **Rules and Regulations.** All the provisions of this Ordinance are and shall be subject to the regulations hereinafter prescribed by ordinance of this body, as the same may be from time to time amended, setting forth the rules,

terms and conditions upon which such licenses may be issued; and the annual license fees; the tax, based on sales; the qualifications of licensees; the restrictions on the business locations of licensees; the hours of operation of such licensees; and any and all other matters which this body may deem it advisable to set forth for the proper control and regulation of the sale and consumption of malt beverages and/or wine in regulation of the sale and consumption of malt beverages and/or wine in this City; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such ordinance or regulations as may be then or thereafter in force; and all such licenses shall be non-transferable, except with the express approval of the Mayor and Council of the City of Walnut Grove, and shall convey to the licensee no property right, but only a privilege, which may be revoked by this body at any time, with or without cause and with or without notice or hearing.

10. **Repealer and Severability.** All regulations heretofore adopted in conflict with this Ordinance as to the sale at retail of malt beverages and/or wine are repealed, and if any clause, sentence, paragraph, section, or any part of this Ordinance shall, for any reason be adjudged by a Court of competent jurisdiction, to be invalid, said judgement shall not effect, impair or invalidate the remainder thereof.
11. **Records.** It shall be the duty of all retail dealers in malt beverages in the City of Walnut Grove to maintain accurate records reflecting the purchase of all quantities of malt beverages from licensed wholesale distributors of the same, and shall make available and furnish upon request all such records to this council or its agents and employees. Such records shall reflect the amount of purchase by such retail distributors, the date of such purchases, the wholesale costs of such malt beverages, and the amount of all taxes, including excise taxes levied by any governmental agency, charged or passed on to such retail dealers by such licensed wholesale distributors. In the event of any change in the wholesale costs of malt beverages to the licensed dealers in the City of Walnut Grove as a result of the imposition of any tax from any source, such change shall be reflected upon the records kept by such retail dealers as provided therein, and shall be reported promptly by such retail dealers to this council or its designated employee or employees. Such retail of Walnut Grove as may be required from time to time by the designated agents and employees of this council in order for this council to adequately regulate the sale of malt beverages in the City of Walnut Grove and to insure the enforcement of this chapter, as amended, and to protect the general welfare of the consumers and citizens of the City of Walnut Grove.
12. **Distances Between Liquor Stores.**
 - A. No license to sell spirituous liquors by the package shall be issued hereunder where the place of business of the applicant is located within a distance of two thousand feet (2,000') of any other place of business which is licensed to sell spirituous liquors by the package, the same to be measured by way of the nearest traveled road, street or highway, as provided by law.
 - B. For purposes of this Code Section, distances shall be measured beginning at the corner of the building in which distilled spirits are to be sold, traveling on the ground in a straight line to the nearest corner of the second such building in which distilled spirits are to be sold.
 - C. The City declares that this Section is enacted pursuant to the authority granted under the provisions of the twenty-first (21st) Amendment to the United States Constitution.

(Adopted 1/2/90)

Section 32-202 Reserved

Section 32-203 Reserved

Section 32-204 Insurance Premium Taxes Charged

1. **Insurers License Fees.** There is hereby levied for the year 2002 and for each year thereafter an annual license fee upon each insurer doing business within the City of Walnut Grove, Georgia in the amount of twenty-five dollars (\$25.00). For each separate business location in excess of one not covered by Section 2 below, which is operating on behalf of such insurers within the City of Walnut Grove, Georgia, there is hereby levied a license fee in the amount of twenty-five dollars (\$25.00). For the purposes of this Ordinance, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in *O.C.G.A. § 33-3-5*.
2. **License Fees for Insurers insuring Certain Risks at Additional Business Locations.** For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a license agent of an insurer for

insurance said insurer shall pay an additional license fee of ten dollars (\$10.00) per location for the year 2002 and for each year thereafter.

3. **License Fees.** License fees imposed under this Section shall be due and payable on the first day of 2002 and on the first date of each subsequent year.

Section 32-205 Construction Contractors

1. **Plumbers.** No master, contracting, or journeyman plumber, as such terms are defined in Chapter 14, Title 43 of the *O.C.G.A.*, shall be permitted to engage in any plumbing business in this municipality, unless such person shall hold a valid license issued to him by the Georgia State Division of Master Plumbers and Journeyman Plumbers. Any person desiring a license to engage in such profession shall be required to pass an examination pursuant to *O.C.G.A.* § 43-14-8. Municipalities are not prohibited from fixing, charging, assessing, or collecting any license fee, registration fee, tax, or gross receipt tax on any such profession.
2. **Electrical Contractors.** No electrical contractor, as such term is defined in Chapter 14, Title 43 of the *O.C.G.A.*, shall be permitted to engage in any electrical contracting business in this municipality unless such person shall hold a valid license issued to him by the Georgia State Division of Electrical Contractors and passed an examination pursuant to *O.C.G.A.* § 43-14-8. No partnership, limited liability company, or corporation shall have the right to engage in the business of conditioned air contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter; provided, however, that partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of conditioned air contracting under a license which was valid at the time of the licensee's death for a period of ninety (90) days following the date of such death.
3. **Conditioned Air Contractors.** No conditioned air contractor, as such term is defined in Chapter 14, Title 43 of the *O.C.G.A.*, shall be permitted to engage in any conditioned air contracting business in this municipality unless such person shall hold a valid license issued to him by the Georgia State Division of Conditioned Air Contractors and passed an examination pursuant to *O.C.G.A.* § 43-14-8.
4. **Low-voltage Contractor.** No low-voltage contractor, as such term is defined in Chapter 14, Title 43 of the *O.C.G.A.*, shall be permitted to engage in any low-voltage contracting in this municipality unless such person shall hold a valid license issued to him by the Georgia State Division of Low-voltage Contractors and passed an examination pursuant to *O.C.G.A.* § 43-14-8.
5. **General Contractors.** All general contractors who contract with this municipality for any public work exceeding one thousand dollars (\$1,000.00) in amount shall be required to obtain a performance and payment bond in the amount and manner specified by state law.

Section 32-206 Reserved

Section 32-207 Peddlers and Itinerant Merchants

1. **License Required.** Each peddler and itinerant merchant as such terms are defined herein, who does business within this municipality shall be required to obtain a license from the City Clerk in the manner specified in this chapter.
2. **Definitions.** For the purposes of this Section, the following words shall have the meanings specified:
 - A. The word "peddler" shall include any person, whether a resident of this municipality or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden produce, farm products or provisions who offers and exposes the same for sale, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance.
 - B. An "itinerant merchant" is defined as any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of this City or not, who engaged in a temporary business of selling and delivering goods, wares, and merchandise within the City, and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, boat or public room in any hotel, lodging house, apartment, or shop within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction.

3. **Exemptions.** This Section shall not be applicable to traveling salesmen or non-resident merchants as provided in Chapter 46, Title 43 of the *O.C.G.A.*, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to bona fide charitable, religious or philanthropic organizations.
4. **Application.** Application for a license under this Section shall be made as provided in Section 32-207(1), except that such application shall contain the following additional information:
 - A. The fingerprints of the person or persons having the management or supervision of the applicant's business, or in lieu thereof at least three (3) letters of recommendation from reliable property owners in the county in which the business is to be conducted, certifying as to the applicant's good character and business responsibility, or other evidence which establishes the good character and business responsibility of such person or persons to the satisfaction of the Mayor and City Council;
 - B. The place or places in the City where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;
 - C. The place or places, other than the permanent place of business of the applicant, where applicant within the six (6) months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
 - D. A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by the applicant in the City; the invoice value and quality of such goods, wares, and merchandise; where the goods or property to be sold are manufactured or produced; and where such goods or products are located at the time said application is filed;
 - E. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the City Clerk, copies of all said advertising whether by handbills, circulars, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto; and
 - F. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor, or the violation of any municipal ordinance, the nature of such offense, and the punishment assessed therefor.
5. **Reserved.**
6. **Reserved.**
7. **Fee Established.** The business license fee for each peddler or itinerant merchant doing business in the City shall be five dollars (\$5.00) for two (2) days.
8. **Duty to Exhibit.** All persons obtaining a license under the provisions of this Section shall be required to exhibit such license at the request of any citizen.
9. **Loud Noises and Speaking Devices.** No licensee under this Section, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any other sound device including any loud-speaking radio or amplifying system upon any of the streets, alleys, parks, or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.
10. Said license in no way implies or gives the right to set up, or display on the City, state, or county right-of-way, or on any property without obtaining written permission from the owner.

(Amended 3/26/96)

Section 32-208 Charitable Solicitors

All charitable solicitors shall comply with *O.C.G.A.* § 43-17-1 et seq.

Section 32-209 Reserved

Section 32-210 Reserved

Section 32-211 Reserved

Section 32-212 Reserved

Section 32-213 Reserved

Section 32-214 Reserved

Section 32-215 Reserved

Section 32-216 Reserved

Section 32-217 Reserved

Section 32-218 Reserved

CHAPTER 33: NUISANCE BUILDINGS OR STRUCTURES

Section

33-101	Jurisdiction
33-102	Determination of Necessity; Power Conferred
33-103	Definitions
33-104	Procedures for Abatement of Nuisances
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Section 33-101 Jurisdiction

The Municipal Court shall have jurisdiction to try issues concerning the existence and abatement of public nuisances within the geographical limits of the City in accordance with the provisions of *O.C.G.A.* § tit. 41, ch. 2.

Section 33-102 Determination of Necessity; Power Conferred

1. It is found and declared that in the City there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with the applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the City, or general nuisance law and which constitute a hazard to the health, safety and welfare of the people of the City, and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures. It is found and declared that where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the City and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. Whenever the Code Enforcement Officer finds that there exists dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City; or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, power is conferred upon the City to exercise its police power to repair, close, or demolish such dwellings, buildings, or structures in the manner provided in this Article.
2. All the provisions of this Article and *O.C.G.A.* §§ 41-2-8-41-2-17 including method and procedure may also be applied to private property where there exists an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity. A finding by any governmental health department, Health Officer, or Building Inspector that such a property is a health or safety hazard shall constitute prima facie evidence that such property is in violation of this Article.

Section 33-103 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:

1. **Applicable Codes.**
 - A. Any optional housing or abatement standard provided in *O.C.G.A.* tit. 8, ch. 2 as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
 - B. Any fire or life safety codes as provided for in *O.C.G.A.* tit. 25, ch. 2; and
 - C. Any building codes adopted by the City provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
2. **Closing.** Causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
3. **Code Enforcement Officer.** The officer who is authorized by this article to exercise the powers prescribed by this Article or any agent of such officer or officers.
4. **Drug Crime.** An act which is a violation of *O.C.G.A.* tit. 16, ch. 13, art. 2, known as the Georgia Controlled Substances Act.
5. **Dwellings, Buildings, or Structures.** Any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this Article, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.
6. **Governing Authority.** The Mayor and Council of the City of Walnut Grove, Georgia. Municipality means the City of Walnut Grove, Georgia.
7. **Owner.** The holder of the title in fee simple and every mortgage of record.
8. **Parties in Interest.**
 - A. Persons in possession of such property and premises;
 - B. Persons having of record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a fifty (50) year title examination conducted in accordance with the title standards of the State Bar of Georgia;
 - C. Persons having paid an occupational tax to the Mayor and City Council for a location or office at the subject building or structure; or
 - D. Persons having filed a property tax return with Mayor or City Council as to the subject property, building, or structure.
9. **Public Authority.** Any member of a governing authority, any Housing Authority Officer, or any officer who is in charge of any department or branch of the government of the City, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or City.
10. **Repair.** Altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.
11. **Resident.** Any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Section 33-104 Procedure for Abatement of Nuisances

1. It is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.
2. The Code Enforcement Officer is designated and appointed to exercise the powers prescribed by this Ordinance.
3. Whenever a request is filed with the Code Enforcement Office by any public authority or by at least five (5) residents of the City charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety

as a result of unsanitary or unsafe conditions, the Code Enforcement Officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the Code Enforcement Officers investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Code Enforcement Officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure.

4. The complaint shall:
 - A. Identify the subject real property by appropriate street address and official tax map reference;
 - B. Identify the owner and parties in interest;
 - C. State with particularity the factual basis for the action; and
 - D. Contain a statement of the action sought by the Code Enforcement Officer to abate the alleged nuisance.

The summons shall notify the owner and parties in interest that a hearing will be held before the Municipal Court at a date and time certain and at a place within the City where the property is located. Such hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after the filing of said complaint in the Municipal Court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

5. If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order showing the following:

- A. If the repair, alteration, or improvement of the dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
- B. If the repair, alteration, or improvement of the dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this Section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in *O.C.G.A.* tit. 43, ch. 39A, qualified building contractors, or qualified Building Inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

6. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the Code Enforcement Officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The Code Enforcement Officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes

*or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions.
The use or occupation of this building is prohibited and unlawful.*

7. If the Code Enforcement Officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The Code Enforcement Officer and City of Walnut Grove are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

Section 33-105 Establishment of Lien

1. That the amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the City, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
2. The lien provided for herein of this Ordinance shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the county where the real property is located and shall relate back to the date of the filing of the lis pendens notice required hereunder. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the Code Enforcement Officer shall forward a copy of the order and a final statement of costs to the City Clerk. It shall be the duty of the City Clerk to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically *O.C.G.A. tit. 48, ch. 4*, provided, however, that the limitation of *O.C.G.A. § 48-4-78*, which requires twelve (12) months of delinquency before commencing a tax foreclosure, shall not apply. The City Clerk shall remit the amount collected to the City of Walnut Grove. Thirty (30) days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.
3. The Clerk for the City shall collect and retain an amount equal to the cost of administering a lien authorized by this article unless such costs are waived by resolution of the City of Walnut Grove. Any such amount collected and retained for administration shall be deposited in the general fund of the City to pay the cost of administering the lien.
4. The City of Walnut Grove may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City of Walnut Grove agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
5. A review of the court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by writ of certiorari to the superior court as contemplated by *O.C.G.A. § 5-4-1 et. seq.*

Section 33-106 Service of Complaints

1. Complaints issued by the Code Enforcement Officer pursuant to this Article shall be served in the manner described in this Section. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least ten (10) days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:
 - A. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the Code Enforcement Officer to abate nuisances or by any law enforcement officer of the City and a return of service, filed with the clerk of the Municipal Court, shall be deemed sufficient proof that service was perfected;
 - B. Pursuant to the provisions of *O.C.G.A. tit. 48, ch. 4*; or
 - C. Statutory overnight delivery.

2. If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in county tax filings and mailed at least fourteen (14) days prior to the date of the hearing.
3. Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the Sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.
4. If either the owner or any party in interest is a minor, an estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided for in subsection © of this Section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the judge of the probate court of the county wherein such property is located at least thirty (30) days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.
5. In the event of unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the county wherein such property or interest is located shall be personally served at least thirty (30) days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.
6. If the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this Section, the Code Enforcement Officer shall make an affidavit to that effect and serve by publication in the manner provided in this Section, and such publication shall be sufficient proof that service was perfected.
7. A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
8. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Section 33-107 Standards for Determination of Nuisances

1. A finding of noncompliance of any building, fire, health, sanitation, or life safety code, regulation or ordinance adopted by the Mayor and City Council shall constitute prima facie evidence that a public nuisance exists.
2. In addition to specified code violations without limiting the generality of subsection (a) of this Section, the following conditions are subject to abatement:
 - A. Defects increasing the hazards of fire, accidents, or other calamities, including improper storage of materials on the premises;
 - B. Lack of adequate ventilation, light, or sanitary facilities;
 - C. Dilapidation and disrepair, including those structures which have been damaged by fire, wind, or other causes such that the external structure and roof have been destroyed or structural members weakened;
 - D. Sanitation and general uncleanliness, including improper keeping or pets and animals on the premises, and improper disposal of human and animal waste;
 - E. Accumulation of trash, weeds (having a height of twelve inches [12"] or more), debris, junk, filth, standing or stagnant water, and other unsafe conditions; and
 - F. Vacant, unsecured dwellings, buildings, or structures in which drug crimes are being committed.

(Adopted 12/2/03)

CHAPTER 34: LITTER CONTROL ORDINANCE

Section

34-101	Definitions
34-102	Dumping, Depositing, etc., Litter on Public or Private Property or Waters
34-103	Prima-facie Evidence; Rebuttable Presumption
34-104	Enforcement of Sections 34-101(1) through (5)
34-105	Receptacles to be Provided; Notice to Public
34-106	Designation of Containers for Household Garbage; Misuse or Vandalization of Container



Section 34-101 Definitions

- 1. Litter.** All sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash debris, dead animals, or discarded materials of every kind and description.
- 2. Public or Private Property.** The rights of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests.

Section 34-102 Dumping, Depositing, etc., Litter on Public or Private Property or Waters

- It shall be unlawful for any person or persons to dump, deposit throw, or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this county or any waters in this county, unless:
 - A.** The property is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to use such property;
 - B.** The litter is placed into a litter receptacle or contained installed on such property; or
 - C.** 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 manner consistent with the public welfare.
- Any person who violates Section 34-101(1)(A) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:
 - A.** By a fine of not less than one thousand dollars (\$1,000.00) and/or imprisonment in the County jail not to exceed six (6) months; *(Amended 6/10/08)*
 - B.** In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from any public street or highway or public right of way for a distance not to exceed one mile any litter the persons has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - C.** In th sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right of way or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter, and any and all litter deposited thereon by anyone prior to the date of execution of sentence.
- The court may publish the names of persons convicted of violating Section 34-101(1)(A) of this Section.

Section 34-103 Prima-facie Evidence; Rebuttable Presumption

- Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of Section 34-101(1), it shall be prima-facie evidence that the operator of the conveyance has violated Section 34-101(1) through (5).

2. Except as provided in Section 34-101(1)(A) of this Section, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of Section 34-101(1) is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which displayed the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated Sections 34-101(1) through (5).

Section 34-104 Enforcement of Sections 34-101(1) through (5)

All law enforcement agencies and officers of Walton County and any person, officer or constable appointed by the Board of Commissioners of Walton County, Georgia is authorized, empowered, and directed to enforce compliance with Sections 34-101(1) through (5).

Section 34-105 Receptacles to be Provided; Notice to Public

All public authorities and agencies having supervision of properties of this county are authorized, empowered, and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where the property is frequented by the public, to post signs directing persons to the receptacles and serving notice of the provisions of Sections 34-101(1) through (5) and to otherwise publicize the availability of litter receptacles and requirements of Sections 34-101(1) through (5).

Section 34-106 Designation of Containers for Household Garbage; Misuse or Vandalization of Container

1. As used in this Section, the term “**Household Garbage**” means animal, vegetable, and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics, and wrapping or packaging materials.
2. The governing authority of Walton, County, Georgia which provides containers for the dumping of trash or garbage therein shall be authorized to designate any or all such containers as being suitable for the dumping therein of household garbage only. If a container is clearly marked “household garbage only”, it shall be unlawful for any person to dump any refuse or other material into the container other than household garbage.
3. It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided by Walton County for the dumping of trash or garbage.
4. Any person who violates Section 34-101(6)(B) or © shall be guilty of a misdemeanor.

(Adopted 8/1/89)

CHAPTER 35: SOIL EROSION SEDIMENTATION AND POLLUTION CONTROL

Section

35-101	Definitions
35-102	Exemptions
35-103	Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices
35-104	Application/permit Process
35-105	Inspection and Enforcement
35-106	Penalties and Incentives
35-107	Education and Certification
35-108	Administrative Appeal Judicial Review
35-109	Effectivity, Validity and Liability



Section 35-101 Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

- 1. 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.
- 2. Board.** The Board of Natural Resources.
- 3. 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.
- 4. Certified Personnel.** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
- 5. Commission.** The Georgia Soil and Water Conservation Commission (GSWCC).
- 6. CPESC.** Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.
- 7. 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.
- 8. Department.** The Georgia Department of Natural Resources (DNR).
- 9. 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 Certified Professional in Erosion and Sediment Control Inc.
- 10. Director.** The Director of the Environmental Protection Division or an authorized representative.
- 11. District.** The Walton County Soil and Water Conservation District Soil and Water Conservation District.
- 12. Division.** The Environmental Protection Division (EPD) of the Department of Natural Resources.
- 13. 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 storm water management, drainage control, or flood control purposes.
- 14. Erosion.** The process by which land surface is worn away by the action of wind, water, ice or gravity.
- 15. Erosion, Sedimentation and Pollution Control Plan.** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section 35-103(3) of this ordinance.
- 16. 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.

17. **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, one hundred percent (100%) of the soil surface is uniformly covered in permanent vegetation with a density of seventy percent (70%) or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.
18. **Finished Grade.** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
19. **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.
20. **Ground Elevation.** The original elevation of the ground surface prior to cutting or filling.
21. **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 Section 35-102, Paragraph 5.
22. **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.
23. **Local Issuing Authority.** The governing authority of any county or municipality which is certified pursuant to subsection (a) *O.C.G.A. § 12-7-8*.
24. **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.
25. **Natural Ground Surface.** The ground surface in its original state before any grading, excavation or filling.
26. **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 colloiddally dispersed or suspended particles are present.
27. **NOI.** A Notice of Intent form provided by EPD for coverage under the State General Permit.
28. **NOT.** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
29. **Operator.** The party or parties that have:
 - A. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
 - B. 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.
30. **Outfall.** The location where storm water 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.
31. **Permit.** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
32. **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 the State of Georgia, any interstate body or any other legal entity.
33. **Phase or Phased.** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
34. **Project.** The entire proposed development project regardless of the size of the area of land to be disturbed.
35. **Properly 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.
36. **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.

37. **Sediment.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
38. **Sedimentation.** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
39. **Soil and Water Conservation District Approved Plan.** An erosion, sedimentation and pollution control plan approved in writing by the Walton County Soil and Water Conservation District.
40. **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.
41. **State General Permit.** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water 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 subsection (f) of Code Section 12-5-30.
42. **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.
43. **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.
44. **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.
45. **Vegetative Erosion and Sedimentation Control Measures.** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
 - A. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
 - B. Temporary seeding, producing short-term vegetative cover; or
 - C. 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.
46. **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.
47. **Wetlands.** Those areas that are inundated or saturated by surface or ground water 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.

Section 35-102

Exemptions

This ordinance 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 (1) 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 (1) 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 fifty (50) horizontal feet, but the Director may grant variances to no less than twenty-five (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 twenty-five (25) horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of *O.C.G.A. § 12-7-6* 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 paragraphs (15) and (16) of Section IV C. of this ordinance, 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 (3) 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 (1) 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 (1) acre or within two hundred (200) feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways 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 (1) acre, which involves land-disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainage way, 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 paragraphs 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.

Section 35-103 Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices

1. **General Provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation 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 Section III (2) & (3) of this ordinance. 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 ordinance and the NPDES General Permit.
2. **Minimum Requirements/Bmps.**
 - A. Best management practices as set forth in Section 35-103 (2) & (3) of this ordinance 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 storm water issued pursuant to subsection (f) of *O.C.G.A. §12-5-30*, 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* subsection (b).
 - B. A discharge of storm water 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 subsection (f) of *O.C.G.A. §12-5-30*, 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 twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) 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 (5) acres.
 - C. 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 subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 - D. 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.
 - E. The LIA may set more stringent buffer requirements than stated in 3. O. and P., in light of *O.C.G.A. §12-7-6* ©.
3. 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:
 - A. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

- B. Cut-fill operations must be kept to a minimum;
- C. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- D. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- E. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- F. Disturbed soil shall be stabilized as quickly as practicable;
- G. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- H. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- I. To the extent necessary, sediment in run-off 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.*;
- J. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- K. Cuts and fills may not endanger adjoining property;
- L. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- M. 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;
- N. 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 Section 35-103 2. B. of this ordinance;
- O. Except as provided in paragraph (16) of this subsection, there is established a twenty-five (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 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 ground-water table year round; for which ground water 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 twenty-five (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:
 - (1) 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
 - (2) 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 twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
- P. There is established a fifty (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 twenty-five (25) gallons per minute or less shall have a twenty-five (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:

- (1) 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
 - (2) 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 twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
4. 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 Section 35-103 2. & 3. of this ordinance.
 5. 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 ordinance or the terms of the permit.

Section 35-104

Application/permit Process

1. **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 consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, 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 are the only parties who may obtain a permit.
2. **Application Requirements.**
 - A. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City without first obtaining a permit from the City Engineer to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
 - B. The application for a permit shall be submitted to the City Clerk 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 Section 35-104 3.. of this ordinance. 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 Section 35-103 2. & 3. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four (4) 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.
 - C. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of *O.C.G.A. §12-5-23*, provided that such fees shall not exceed eighty dollars (\$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 subsection (a) of O.C.G.A. 12-7-8 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 paragraph (9) or (10) of O.C.G.A. §12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

- D. 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 thirty-five (35) days of receipt. Failure of the District to act within thirty-five (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 Section 35-103 3. O. & P. has been obtained, all fees have been paid, and bonding, if required as per Section 35-104 2. F., 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 thirty-five (35) days of receipt. Failure of the Local Issuing Authority with plan review authority to act within thirty-five (35) days shall be considered an approval of the revised Plan submittal.
- E. If a permit applicant has had two or more violations of previous permits, this ordinance 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.
- F. 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, three thousand dollars (\$3,000.00) 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.

3. Plan Requirements.

- A. Plans must be prepared to meet the minimum requirements as contained in Section 35-103 2. And 3. of this ordinance, 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 ordinance. 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 storm water 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.
- B. 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.

4. Permits.

- A. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (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.
- B. 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 ordinance, any variances required by Section 35-103 3. O. & P. are obtained, bonding requirements, if necessary, as per Section 35-104 2. F. 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.

- C. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, 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.
- D. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- E. 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 ordinance. 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.
- F. 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)*.

Section 35-105

Inspection and Enforcement

1. The Code Enforcement 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 ordinance, 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 ordinance.
2. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
3. The Code Enforcement shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, 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.
4. 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.
5. The District or the Commission or both shall semi-annually 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 District 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 District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
6. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 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 ninety (90) days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Section 35-106 Penalties and Incentives

1. **Failure to Obtain a Permit for Land-disturbing Activity.** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance 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.
2. **Stop-work Orders.**
 - A. For the first and second violations of the provisions of this ordinance, 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;
 - B. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
 - C. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 - D. 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.
3. **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 ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 35-104 2. F.. 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.
4. **Monetary Penalties.**
 - A. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed two thousand five hundred dollars (\$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 ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 35-107 Education and Certification

1. 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*.

2. 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.
3. 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 ordinance.
4. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of *O.C.G.A. §12-7-19*, 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 paragraph (4) of subsection (b) of *O.C.G.A. §12-7-19* and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Section 35-108 Administrative Appeal Judicial Review

1. **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 Mayor and Council within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.
2. **Judicial Review.** Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Walton County.

Section 35-109 Effectivity, Validity and Liability

1. **Liability.**
 - A. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance 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.
 - B. 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 ordinance or the terms of the permit.
 - C. No provision of this ordinance 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.

(Adopted 3/11/2010)

CHAPTER 36: CONSTRUCTION CODES, PERMIT FEES, AND INSPECTIONS

Section

36-101	State Minimum Standard Codes
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NOTE: The word "department" shall refer to the state Department of Community Affairs.

Section 36-101 State Minimum Standard Codes

1. Mandatory "State minimum standard codes" shall mean the following codes:
 - A. International Building Code, 2006 Edition, with Georgia Amendments (2007) (2009) (2010);
 - B. International Residential Code, 2006 Edition, with Georgia Amendments (2007) (2008) (2009) (2010) (2011) (2012) (2013);
 - C. International Fire Code, 2006 Edition, with Georgia Amendments (2007) (2010);
 - D. International Plumbing Code, 2006 Edition, with Georgia Amendments (2007) (2008) (2009) (2010) (2011) (2012) (2013);
 - E. International Mechanical Code, 2006 Edition, with Georgia Amendments (2007) (2008) (2010) (2011) (2012);
 - F. International Fuel Gas Code, 2006 Edition, with Georgia Amendments (2007) (2008) (2009) (2010) (2012);
 - G. National Electrical Code, 2011 Edition, with no Georgia Amendments; and,
 - H. International Energy Conservation Code, 2009 Edition, with Georgia Supplements and Amendments (2011) (2012).

2. Permissive "State minimum standard codes" shall mean the following codes:
 - A. International Property Maintenance Code - 2006 Edition with Georgia Amendments 2009.
 - B. International Existing Building Code - 2006 Edition with Georgia Amendments 2009.
 - C. National Green Building Standard – 2006 Edition with Georgia Amendments 2011.

Section 36-102 Statewide Application

The mandatory state minimum standard codes enumerated in Section 36-101.1 of this code shall have statewide application and shall not require adoption by a municipality. The governing authority of any municipality in this state is authorized to enforce the state minimum standard codes.

Section 36-103 Adoption of Codes by Municipalities

The permissive state minimum standard codes enumerated in Section 36-101.2 of this code shall not be applicable in a jurisdiction until adopted by a municipality. The governing authority of any municipality in this state is authorized to adopt and enforce the state minimum standards codes in that subject area which is being regulated by the municipality. A copy of the

local ordinance or resolution adopting any such code shall be forwarded to the Department of Community Affairs in order that such municipality may be apprised of subsequent amendments in the state minimum standard code as adopted.

Section 36-103 Local Amendments to State Minimum Codes

1. In the event that the governing authority of any municipality or county finds that the state minimum standard codes do not meet its needs, the local government may provide requirements not less stringent than those specified in the state minimum, standard codes when such requirements are based on local climatic, geologic, topographic, or public safety factors; provided, however, that there is a determination by the local governing body of a need to amend the requirements of the state minimum standard code based upon a demonstration by the local governing body that local conditions justify such requirements not less stringent than those specified in the state minimum standard codes for the protection of life and property. All such proposed amendments shall be submitted by the local governing body to the Department of Community Affairs sixty (60) days prior to the adoption of such amendment. Concurrent with the submission of the proposed amendment to the department, the local governing body shall submit in writing the legislative findings of the governing body and such other documentation as the local governing body deems helpful in justifying the proposed amendment. The department shall review and comment on a proposed amendment. Such comment shall be in writing and shall be sent to the submitting local government with a recommendation:
 - A. That the proposed local amendment should not be adopted, due to the lack of sufficient evidence to show that such proposed local amendment would be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic, geologic, topographic, or public safety factors require such an amendment;
 - B. That the proposed local amendment should be adopted, due to a preponderance of evidence that such proposed local amendment would be as stringent as the state minimum standard codes and a preponderance of evidence that the local climatic, geologic, topographic, or public safety factors require such an amendment; or
 - C. That the department has no recommendation regarding the adoption or disapproval of the proposed local amendments, due to the lack of sufficient evidence to show that such proposed local amendment would or would not be as stringent as the state minimum standard codes and the lack of sufficient evidence to show that local climatic, geologic, topographic, or public safety factors require or do not require such an amendment.
2. The department shall have sixty (60) days after receipt of a proposed local amendment to review the proposed amendment and make a recommendation as set forth in Section 36-104(1). In the event that the department fails to respond within the time allotted, the local governing body may adopt the proposed local amendment.
3. In the event that the department recommends against the adoption of the proposed local amendment, a local governing body shall specifically vote to reject the department's recommendations before any local amendment may be adopted.
4. No local amendment shall become effective until the local governing body has caused a copy of the adopted amendment to be filed with the department. A copy of an amendment shall be deemed to have been filed with the department when it has been placed in the United States mail, return receipt requested.
5. Nothing in this subsection shall be construed so as to require approval by the department before a local amendment shall become effective.
6. The department shall maintain a file of all amendments to the state minimum standard codes adopted by the various municipalities and counties in the state, which information shall be made available to the public upon request. The department may charge reasonable fees for copies of such information. An index of such amendments shall be included in each new edition of a state minimum standard code.
7. Except as otherwise provided in this Section, building related codes or sections dealing with the subjects of historic preservation, high-rise construction, or architectural design standards for which a state minimum standard code does not exist may be adopted by a local jurisdiction following review by the department. The department's review shall be limited to a determination that the proposed code or ordinance is consistent with the approved state minimum standard codes when common elements exist and is not less restrictive than the requirement of said codes. Changes to all other state minimum standard codes shall be approved only pursuant to the provisions of this Section regarding local amendments.

Section 36-104

Revision of State Minimum Standard Codes

No local inspector shall require any person performing work in compliance with a state minimum standard code or variations thereto which are in conformity with the provisions of this part to comply with the standards of any other building code not covered by this part.

1.

- A.** In lieu of inspection by an inspector or other person employed by the governing authority of any county or municipality, a licensed master plumber or utility contractor shall have the option of installing a water or sewer line according to the alternative inspection procedure described in this subsection where the installation is on private property outside the building underground.
- B.** If the master plumber or utility contractor elects to utilize this inspection procedure, he or she shall file with the local inspector:
 - (1) Notice that the water and sewer line will be installed in accordance with the Standard Plumbing Code and will be inspected pursuant to the alternative inspection procedure described in this subsection;
 - (2) A copy of his or her master plumber or utility contractor certificate issued by the State Construction Industry Licensing Board;
 - (3) A copy of his or her trenching competent person certificate;
 - (4) A certificate showing that a bond has been filed in accordance with paragraph (2) of subsection (b) of Code Section 43-14-12, except that such bond shall be in the amount of fifty thousand dollars (\$50,000.00) and issued by a surety rated "A", "Class VI," or better by the A.M. Best Company; and
 - (5) Within five (5) business days after completion of the installation, a sworn certification that the water or sewer line has been installed in accordance with the Standard Plumbing Code.
- C.** The department shall promulgate a standard form notice and a standard form certificate that shall be used to administer this subsection. Local inspectors shall make copies of the standard forms available to contractors.
- D.** The master plumber or utility contractor shall be required to pay to the governing authority the applicable permit fee.
- E.** Upon submission of the certification required by this subsection, the local governing authority shall be required to accept the inspection without the necessity of further inspection or approval, except that the local governing authority may perform an inspection at any time and may issue a stop-work order if the work is found to be in violation of code requirements.
- F.** Any other provision of this subsection notwithstanding, the alternative inspection procedure described in this subsection shall be applicable only to installations on private individual single-family residential property.

2.

- A.** Any county or municipal building permit issued in this state to a general contractor or homebuilder for residential or commercial construction shall have prominently printed thereon at least one (1) inch apart from any other text on such permit and in type size and boldness equal to or greater than any other type size and boldness in the body of the permit the following:

"The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics' and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available at building supply home centers."

- B.** Any county or municipal construction permit, including but not limited to mechanical, plumbing, or electrical permits, issued in this state on existing residential or commercial property shall have prominently printed thereon at least one inch apart from any other text on such permit and in type size and boldness equal to or greater than any other type size and boldness in the body of the permit the following:

"The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics' and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available at building supply home centers."

- C. Any person or entity which is issued a permit which authorizes improvements to new or existing residential or commercial real property shall be required to:
 - (1) Post a copy of such permit in a conspicuous place in the vicinity of such property where such improvements are being undertaken;
 - (2) Deliver a copy of the permit to the property owner within ten (10) days after the permit is received.
- 3. A local inspector, including a fire service employee enforcing a state or local fire safety standard, who specifies a code violation noted during an inspection shall, upon the written request of the permit holder, cite in writing the particular code book, section, and edition of the code which is the basis of the violation.
- 4.
 - A. If a governing authority of a county or municipality cannot provide inspection services within two (2) business days of receiving a valid written request for inspection, then, in lieu of inspection by inspectors or other personnel employed by such governing authority, any person, firm, or corporation engaged in a construction project which requires inspection shall have the option of retaining, at its own expense, a professional engineer who holds a certificate of registration issued under Chapter 15 of Title 43, and who is not an employee of or otherwise affiliated with or financially interested in such person, firm, or corporation, to provide the required inspection.
 - B. Any inspection conducted by a registered professional engineer shall be no less extensive than an inspection conducted by a county or municipal inspector.
 - C. The person, firm, or corporation retaining a registered professional engineer to conduct an inspection shall be required to pay to the county or municipality which requires the inspection the same permit fees and charges which would have been required had the inspection been conducted by a county or municipal inspector
 - D. The registered professional engineer shall be empowered to perform any inspection required by the governing authority of any county or municipality, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required for the issuance of a certificate of occupancy by the governing authority of any county or municipality, provided that the inspection is within the scope of such engineer's branch of engineering expertise.
 - E. The registered professional engineer shall submit a copy of his or her inspection report to the county or municipality.
 - F. Upon submission by the registered professional engineer of a copy of his or her inspection report to the local governing authority, said local governing authority shall be required to accept the inspection of the registered professional engineer without the necessity of further inspection or approval by the inspectors or other personnel employed by the local governing authority unless said governing authority has notified the registered professional engineer, within two (2) business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the registered professional engineer with a written description of the deficiencies and specific code requirements that have not been adequately addressed.
 - G. A local governing authority may provide for the prequalification of registered professional engineers who may perform inspections pursuant to this subsection. No ordinance implementing prequalification shall become effective until notice of the governing authority's intent to require prequalification and the specific requirements for prequalification have been advertised in the newspaper in which the sheriff's advertisements for that locality are published. The ordinance implementing prequalification shall provide for evaluation of the qualifications of a registered professional engineer on the basis of the engineer's expertise with respect to the objectives of the inspection, as demonstrated by the engineer's experience, education, and training.

- H. Nothing in this subsection shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

Section 36-105 Enforcement of Codes

- 1. The governing body of any municipality or county adopting any state minimum standard code shall have the power:
 - A. To adopt by ordinance or resolution any reasonable provisions for the enforcement of the state minimum standard codes, including procedural requirements, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other provisions or procedures necessary to the proper administration and enforcement of the requirements of the state minimum standard codes;
 - B. To provide for inspection of buildings or similar structures to ensure compliance with the state minimum standard codes;
 - C. To employ inspectors, including chief and deputy inspectors, and any other personnel necessary for the property enforcement of such codes and to provide for the authority, functions, and duties of such inspectors;
 - D. To require permits and to fix charges therefor;
 - E. To contract with other municipalities or counties adopting any state minimum standard code to administer such codes and to provide inspection and enforcement personnel and services necessary to ensure compliance with the codes; and
 - F. To contract with any other county or municipality whereby the parties agree that the inspectors of each contracting party may have jurisdiction to enforce the state minimum standard codes within the boundaries of the other contracting party.
- 2. No local inspector shall require any person performing work in compliance with a state minimum standard code or variations thereto which are in conformity with the provisions of this part to comply with the standards of any other building code not covered by this part.

Section 36-106 Inspectors, Inspections, and Violations

- 1. As used in this Code Section, the term:
 - A. CABO means the Council of American Building Officials.
 - B. Qualified Inspector means:
 - (1) A person inspecting for compliance with the Standard Building Code or the building portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a Building Inspector;
 - (2) A person inspecting for the compliance of residential buildings with the National Electrical Code or the electrical portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a residential electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;
 - (3) A person inspecting for the compliance of nonresidential buildings with the National Electrical Code who holds a certification from the SBCCI as a commercial electrical inspector or an electrical contractor license from the State Construction Industry Licensing Board;
 - (4) A person inspecting for compliance with the Standard Gas Code who holds a certification from the SBCCI as a mechanical inspector or plumber, or master plumber license from the State Construction Industry Licensing Board;
 - (5) A person inspecting for compliance with the Standard Mechanical Code or the mechanical portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a mechanical inspector or a conditioned air contractor license from the State Construction Industry Licensing Board;
 - (6) A person inspecting for compliance with the Georgia State Plumbing Code, the Standard Plumbing Code, or the plumbing portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a plumbing inspector or a journeyman plumber or master plumber license from the State Construction Industry Licensing Board;
 - (7) A person inspecting for compliance any portion of the CABO One- and Two-Family Dwelling Code who holds a certification from the SBCCI as a one and two-family dwelling inspector;

- (8) A person inspecting for compliance with the Georgia State Energy Code for Buildings who has completed eight (8) hours of training that is conducted or approved by the department; or
 - (9) A person inspecting for compliance with any of the codes listed in subparagraphs 1 through 8 of this paragraph who holds a certificate of registration as a professional engineer issued under *O.C.G.A.* tit. 43, ch 15, and is practicing within the scope of his or her branch of engineering expertise while conducting such inspection.
- C. SBCCI means the Southern Building Code Congress International.
- D. State Construction Industry Licensing Board means that board created pursuant to *O.C.G.A.* §43-14-3.
2. The governing authority of any municipality which has adopted provisions for the enforcement of the state minimum standard codes shall post a notice stating whether the personnel employed by that governing authority to conduct inspections for compliance with such codes are qualified inspectors. Such notice shall separately address each minimum standard code enumerated in subdivisions (9)(B)(i)(I) through (9)(B)(i)(VII) of *O.C.G.A.* §8-2-20 and the building, electrical, mechanical, and plumbing portions of the CABO One- and Two-Family Dwelling Code, and state whether all personnel assigned to conduct inspections for the particular code or portion of the code are qualified inspectors for that code or portion of the code.
 3. If such notice states that not all personnel assigned to conduct inspections for a particular state minimum standard code or portion of such code are qualified inspectors for that code or portion of the code, then the governing authority may retain qualified inspectors not employed by the governing authority to conduct inspections. If the Mayor and Council does not so retain qualified inspectors, then any person, firm, or corporation engaged in a construction project which requires inspection shall have the option of retaining, at its own expense, a person who is a qualified inspector for that code or portion of the code and who is not an employee of or otherwise affiliated with or financially interested in such person, firm or corporation to provide the required inspection.
 4. The person, firm, or corporation retaining a qualified inspector to conduct an inspection pursuant to this Section shall be required to pay to the municipality which requires the inspection the same permit fees and charges which would have been required had the inspection been conducted by a county or municipal inspector.
 5. A qualified inspector retained pursuant to this Section shall be empowered to perform any inspection required by the governing authority of any county or municipality, including but not limited to inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air condition (HVAC), or any and all other inspections necessary or required for the issuance of a certificate of occupancy by the governing authority of any county or municipality; provided, however, that the qualified inspector must possess the qualifications described in paragraph (B) of subsection (1) of this Section for the particular type of inspection. Any inspection conducted pursuant to this Section shall be no less extensive than an inspection conducted by a county or municipal inspector.
 6. Upon submission by the qualified inspector of a copy of his or her inspection report to the local governing authority, said local governing authority shall be required to accept the inspection of the qualified inspector without the necessity or further inspection or approval by the inspectors or other personnel employed by the local governing authority unless said governing authority has notified the qualified inspector, within two (2) business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the qualified inspector with a written description of the deficiencies and specific code requirements that have not been adequately addressed.
 7. Nothing in this Section shall be construed to apply to inspections for compliance with a state or local fire safety standard or erosion control standard.
 8. Nothing in this Section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

Section 36-107 Code Compliance Inspections

1. If the Mayor and Council cannot provide inspection services within two business days of receiving a valid written request for inspection, then in lieu of inspection by inspectors or other personnel employed by such governing authority, any person, firm or corporation engaged in a construction project which requires inspection shall have the option of retaining, at its own expense, a professional engineer who holds a certificate of registration issued under *O.C.G.A.* § Chapter 15 of Title 43, and who is not an employee of or otherwise affiliated with or financially interested in such person, firm, or corporation, to provide the required inspection.
2. Any inspection conducted by a registered professional engineer shall be no less extensive than an inspection conducted by a county or municipal inspector.

3. The person, firm, or corporation retaining a registered professional engineer to conduct an inspection shall be required to pay to the county or municipality which requires the inspection the same permit fees and charges which would have been required had the inspection been conducted by a county or municipal inspector.
4. The registered professional engineer shall be empowered to perform any inspection required by the governing authority of any county or municipality, including, but not limited to, inspections for footings, foundations, concrete slabs, framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any and all other inspections necessary or required for the issuance of a certificate of occupancy by the Mayor and Council of any county or municipality, provided that the inspection is within the scope of such engineer's branch of engineering expertise.
5. The registered professional engineer shall submit a copy of his or her inspection report to the county or municipality.
6. Upon submission by the registered professional engineer of a copy of his or her inspection report to the Mayor and Council the Mayor and Council shall be required to accept the inspection of the registered professional engineer without the necessity of further inspection or approval by the inspectors or other personnel employed by the Mayor and Council unless the Mayor and Council has notified the registered professional engineer, within two (2) business days after the submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the registered professional engineer with a written description of the deficiencies and specific code requirements that have not been adequately addressed.
7. The Mayor and Council may provide for the prequalification of registered professional engineers who may perform inspections pursuant to this subsection. No ordinance implementing prequalification shall become effective until notice of the governing authority's intent to require prequalification and the specific requirements for prequalification have been advertised in the newspaper in which the sheriff's advertisements for that locality are published. The ordinance implementing prequalification shall provide for evaluation of the qualifications of a registered professional engineer on the basis of the engineer's expertise with respect to the objectives of the inspection, as demonstrated by the engineer's experience, education, and training.
8. Nothing in this Section shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies for consumers.

Section 36-108 Plumbing Code

1. **Adoption.** There is hereby adopted by the Mayor and City Council, for the purpose of establishing standards and procedures affecting the installation of plumbing and plumbing materials, the Georgia State Plumbing Code, being particularly that code published by the State Building Administrative Board, of which code not less than one (1) copy has been and now is filed in the office of the City Clerk, and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which this Section shall take effect, the provisions thereof shall be controlling within the corporate limits of the City.
2. **Definitions of Terms Used in State Plumbing Code.**
 - A. Wherever the term "**Plumbing Inspector**" is used in the State Plumbing Code, it shall mean the person designated by the Mayor and City Council to administer and enforce the provisions of said code.
 - B. Wherever the term "**Corporate Counsel**" is used in the State Plumbing Code, it shall mean the City Attorney of this municipality.
 - C. Wherever the term "**Municipality**" is used in the State Plumbing Code, it shall mean this City.
3. **Enforcement.** The Georgia State Plumbing Code adopted herein shall be enforced by [the department of housing and building inspection].
4. **Penalties.** Any person who shall violate any of the provisions of the Georgia State Plumbing Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall, for each such failure or violation or noncompliance, be punished by a fine not to exceed one thousand dollars (\$1,000.00) and costs, or by imprisonment not to exceed ninety (90) days, or both, any and all of such penalties to be imposed in the discretion of the Judge of the Municipal Court.

Section 36-109 Reinspection Fees

There shall be a twenty dollar (\$20.00) charge assessed for all reinspections.

(Adopted 10/12/93)

Section 36-110

Residential Permit Fee Schedules

**CITY OF WALNUT GROVE
Residential Building Permit Fee Schedule
August 1998**

<u>PERMIT CLASSIFICATION</u>	<u>FEE</u>
Residential:	
New Construction	\$0.26 per sq. ft.
Remodeling/Additions	\$0.16 per sq. ft.
Minimum Fees for Residential Inspections:	
Single Family Unit	\$355.00
Duplex	\$575.00
Triplex	\$785.00
Multi-Family (4 or more units per building)	\$225/unit minimum
Demolition Permit:	
120 - 1200 sq. ft.	\$75.00
2000 sq. ft. and over	\$100.00
New Mobile Home Location Permit:	
Single Wide	\$200.00
Double Wide (modulars)	\$250.00
Storage Building 120 sq. ft. and Over:	
without utilities	\$50.00
with one (1) utility	\$75.00
with two (2) utilities	\$100.00
Swimming Pool:	
In-ground	\$75.00
Above-ground	\$50.00
Porch Only:	\$25.00
Residential Safety and Code Compliance:	In \$40.00 sp ec tio n
Violation Penalty:	\$250.00

Penalty: Anyone found to be engaging in any act for which a permit is required, as set forth in the City of Walnut Grove's official Residential Building Permit Fee Schedule, shall be subject to a fine of not less than two hundred fifty dollars (\$250.00).

SCHEDULE III

**City of Walnut Grove
Permit Fee Schedule
Commercial Building Permits**

New Construction Permit

\$5.00 per thousand of estimated cost of construction value. (Minimum \$475.00)
(see sheet)

Remodel/Addition Permit

\$3.00 per thousand of estimated cost of construction value. (Minimum \$300.00)
(see sheet)

Electrical, HVAC, Plumbing Permits

\$1.00 per thousand of estimated cost of construction value. (Minimum \$50.00)

(Effective 1/29/03)

SCHEDULE II

**CITY OF WALNUT GROVE
CITY ENGINEER REVIEW FEE**

RESIDENTIAL

Preliminary Plat	
2 to 25 lots	\$375.00
Over 25 lots	\$375.00 + \$5.00 per lot
Construction Plans	
2 to 25 lots	\$575.00
Over 25 lots	\$575.00 + \$5.00 per lot
Final Plat	\$475.00

Commercial

Less than 1 acre	\$575.00
1 to 5 acres	\$775.00
Greater than 5 acres	\$775.00 plus \$25.00 per acre

(Effective 1/29/03)

SCHEDULE IV

Commercial Remodel Building Permit Fee

\$3.00 per thousand or fraction thereof for estimated construction value.
Minimum \$300.00

\$10,000	-	\$300
20,000	-	300
30,000	-	300
40,000	-	300
50,000	-	300
60,000	-	300
70,000	-	300
80,000	-	300
90,000	-	300
100,000	-	300
110,000	-	330
120,000	-	360
130,000	-	370
140,000	-	390
150,000	-	450
160,000	-	480
170,000	-	510
180,000	-	540
190,000	-	570
200,000	-	600

(Effective 1/29/03)

Commercial Building Permit Fee

\$5.00 per thousand or fraction thereof for estimated cost of construction value.
Minimum \$475.00

\$10,000	-	\$475	\$300,000	-	\$1500
20,000	-	475	310,000	-	1550
30,000	-	475	320,000	-	1600
40,000	-	475	330,000	-	1650
50,000	-	475	340,000	-	1700
60,000	-	475	350,000	-	1750
70,000	-	475	360,000	-	1800
80,000	-	475	370,000	-	1850
90,000	-	475	380,000	-	1900
100,000	-	500	390,000	-	1950
110,000	-	550	400,000	-	2000
120,000	-	600	410,000	-	2050
130,000	-	650	420,000	-	2100
140,000	-	700	430,000	-	2150
150,000	-	750	440,000	-	2200
160,000	-	800	450,000	-	2250
170,000	-	850	460,000	-	2300
180,000	-	900	470,000	-	2350
190,000	-	950	480,000	-	2400
200,000	-	1000	490,000	-	2450
210,000	-	1050	500,000	-	2500
220,000	-	1100	510,000	-	2550
230,000	-	1150	520,000	-	2600
240,000	-	1200	530,000	-	2650
250,000	-	1250	540,000	-	2700
260,000	-	1300	550,000	-	2750
270,000	-	1350	560,000	-	2800
280,000	-	1400	570,000	-	2850
290,000	-	1450	580,000	-	2900

(Effective 1/29/03)

SCHEDULE V

Commercial Electrical, HVAC, Plumbing Permit Fee

\$1.00 per thousand or fraction thereof for estimated construction value.
Minimum \$50.00

\$10,000	-	\$50	\$270,000	-	\$270
20,000	-	50	280,000	-	280
30,000	-	50	290,000	-	290
40,000	-	50	300,000	-	300
50,000	-	50	310,000	-	310
60,000	-	60	320,000	-	320
70,000	-	70	330,000	-	330
80,000	-	80	340,000	-	340
90,000	-	90	350,000	-	350
100,000	-	100	360,000	-	360
110,000	-	110	370,000	-	370
120,000	-	120	380,000	-	380
130,000	-	130	390,000	-	390
140,000	-	140	400,000	-	400
150,000	-	150	410,000	-	410
160,000	-	160	420,000	-	420
170,000	-	170	430,000	-	430
180,000	-	180	440,000	-	440
190,000	-	190	450,000	-	450
200,000	-	200	460,000	-	460
210,000	-	210	470,000	-	470
220,000	-	220	480,000	-	480
230,000	-	230	490,000	-	490
240,000	-	240	500,000	-	500
250,000	-	250			
260,000	-	260			

(Effective 1/29/03)

SCHEDULE VI
City of Walnut Grove
Permit Fee Schedule
Residential Permits

Residential Safety & Code Compliance Permit/Affidavit

-Electrical	\$25.00
-HVAC	\$25.00
-Plumbing	\$25.00

(Effective 1/29/03)

Section 36-111 Sign Permit Fees

10 sq. ft. to 50 sq. ft.....	\$25.00
51 sq. ft. to 100 sq. ft.....	\$50.00

(Adopted 9/22/98)

Section 36-112 Inspections Policy

It shall be City Policy that in regard to any request for inspections received by the City Clerk or Building Inspector during posted working hours, every effort will be made to schedule the requested inspection the next working day following the receipt of such request. *(Adopted 8/3/99)*

CHAPTER 37: PLACEMENT OF PORTABLE TOILETS ON CONSTRUCTION PROJECTS

Section

37-101 Placement of Portable Toilets in Construction Projects



Section 37-101 Placement of Portable Toilets on Construction Projects

Any developer, general contractor, contractor, or sub-contractor, who obtains a building permit to engage in any construction project within the limits of the City of Walnut Grove is hereby required to place upon the construction site and have properly maintained a portable toilet for use by those who are involved or will be involved in such construction project provided that:

1. There is no other toilet facility on the property which makes up the construction site that may be lawfully used by construction personnel;
2. The construction project is for a duration of more than two (2) days; and
3. That three (3) or more individuals and/or sub-contractors are subject to work on the construction project.

Failure to comply with the requirements of this Ordinance may result in the City Code Enforcement Office(s) and/or Mayor issuing a "Stop Work" order on the project until such developer, general contractor, contractor or sub-contractor is in compliance herewith.

Any "Stop Work" order issued in connection with this Ordinance shall result in an automatic fine of not less than seventy-five dollars (\$75.00). Repeated offenses may be subject to a fine up to a maximum of two hundred fifty dollars (\$250.00) for each occurrence.

(Effective 7/7/99)

CHAPTER 38: WATER CONSERVATION ORDINANCE

Section

Article I Required Fixtures to be Used in Construction

38-101	Definitions
38-102	Residential Building Construction
38-103	Commercial Building Construction
38-104	Residential/Commercial Construction
38-105	Exemptions
38-106	Enforcement; Penalty

Article II Outdoor Landscape Watering

38-201	Restriction on Outdoor Water Landscape
38-202	Enforcement



ARTICLE I. Required Fixtures To be Used in Construction

Section 38-101 Definitions

- 1. Commercial.** Any type of building other than residential.
- 2. Construction.** 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.
- 3. Residential.** Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

Section 38-102 Residential Building Construction

No construction may be initiated within the City of Walnut Grove for any residential building of any type which:

- 1.** Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush;
- 2.** Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at sixty (60) pounds per square inch of pressure;
- 3.** Employs a urinal that uses more than an average of 1.0 gallons of water per flush;
- 4.** Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
- 5.** Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

Section 38-103 Commercial Building Construction

There shall be no construction of any commercial building initiated within the City of Walnut Grove for any commercial building of any type which does not meet the requirements of Section 38-102.

Section 38-104 Residential/Commercial Construction

The requirements of Section 38-102 shall apply to any residential construction and any commercial construction, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

Section 38-105 Exemptions

New construction and the repair or renovation of an existing building shall be exempt from the requirements of Sections 38-102, 103, and 104 of this chapter when:

1. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or
2. When such plumbing or sewage system within such existing building, because of its capacity, design, or installation would not function properly if the toilets, faucets or showerheads required by this chapter were installed; or
3. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
4. Units to be installed are:
 - A. Specifically designed for use by the handicapped;
 - B. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - C. Specifically designed as toilets for juveniles.

The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subparagraphs 2, 3, or 4 of this Section shall obtain the exemption by applying at the office of the City Clerk for the City of Walnut Grove. A fee of forty dollars (\$40.00) shall be charged for the inspection and issuance of such exemption.

Section 38-106 Enforcement; Penalty

This chapter shall be enforced by the office of the Building Inspector of the City of Walnut Grove. Citations for violations may be issued by the Building Inspector of the City of Walnut Grove.

Any person, corporation, partnership or other entity violating this chapter shall be tried before the City of Walnut Grove Municipal Court. Upon conviction, a violation of this chapter may be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed ninety (90) days/months.

ARTICLE II. Outdoor Water of Landscape

Section 38-201 Restriction on Outdoor Water of Landscape.

1. Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants 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:
 - A. 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 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;
 - B. Capture and reuse of cooling system condensate or storm water in compliance with applicable City ordinances and state guidelines;
 - C. Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
 - D. 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;
 - E. Watering personal food gardens;

- F. 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;
- G. Drip irrigation or irrigation using soaker hoses;
- H. Hand watering with a hose with automatic cutoff or handheld container;
- I. 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;
- J. Watering horticultural crops held for sale, resale, or installation;
- K. Watering athletic fields, golf courses, or public turf grass recreational areas;
- L. Installation, maintenance, or calibration of irrigation systems; or
- M. Hydroseeding.

Section 38-202 Enforcement

1. No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in ordinance.
2. The Mayor and/or City Marshal shall be the enforcement authority for this ordinance. The Mayor may also authorize other departments as may be deemed necessary to support enforcement.
3. Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the municipal court or by any other legal means as set forth in this Code.

(Effective 1/1/2011)

CHAPTER 39: LAND DEVELOPMENT REGULATIONS

Section

39-101	Zoning Regulations
39-102	Subdivision Regulations
39-103	Comprehensive Plan
39-104	Northeast Georgia Regional Solid Waste Management Plan
39-105	Watershed Protection
39-106	Land Use Dispute Resolution
39-108	Service Deliver Strategy Agreement
39-109	Service Delivery Strategy Dispute Resolution Process
39-110	Minimum Health and Safety Standards for Pre-Owned Manufactured Homes



Section 39-101 Zoning Regulations

The Zoning Regulations of the City of Walnut Grove, as amended, are incorporated by reference as if fully set out herein.

Section 39-102 Subdivision Regulations

The Subdivision Regulations of the City of Walnut Grove, as amended, are incorporated by reference as if fully set out herein.

Section 39-103 Comprehensive Plan

The Joint City/County Comprehensive Plan Community Agenda for Walton County and the cities of Between, Good Hope, Jersey, Loganville, Monroe, Social Circle and Walnut Grove, August 2007 is incorporated by reference as if fully set out herein (*Amended 9/12/13*).

Section 39-104 Northeast Georgia Regional Solid Waste Management Plan

The Northeast Georgia Regional Solid Waste Management Plan dated November 2004, and as may be amended, is incorporated by reference as if fully set out herein. (*Adopted 1/25/2005*)

Section 39-105 Watershed Protection

The Watershed Protection Ordinance adopted on June 1, 1999 and amended May 9, 2000 is incorporated by reference as if fully set out herein.

Section 39-106 Land Use Dispute Resolution

The City of Walnut Grove (hereinafter known as the "City") and Walton County (hereinafter known as the "County") hereby agree to implement the following process for resolving land use disputes over annexation effective July 1, 1998.

1. Prior to initiating any formal annexation activities, the City will notify the county government of a proposed annexation and provide information on location of property, size of area, and proposed land use or zoning classification(s) (if applicable) of the property upon annexation.

Within thirty (30) working days following the receipt of the above information, the County will forward to the City a statement either:

- A. Indicating that the County has no objection to the proposed land use for the property;
 - B. Describing its bona fide objection(s) to the City's proposed land use classification, providing supporting information, and listing any possible stipulations or conditions that would alleviate the County's objection(s).
2. If the County has no objection to the City's proposed land use or zoning classification, the City is free to proceed with the annexation. The City will not entertain a proposed land use or zoning change on the property for a period of twelve (12) months from the day the annexation becomes effective. If the County fails to respond to the City's notice in writing, within the deadline, the City is free to proceed with the annexation and the County loses its right to invoke the dispute resolution process, stop the annexation or object to land use changes after the annexation.
 3. If the County notifies the City that it has a bona fide land use classification objection(s), the City will respond to the County in writing within thirty (30) working days of receiving the County's objection(s) by either:
 - A. Agreeing to implement the County's stipulations and conditions and thereby resolving the County's objection(s);
 - B. Agreeing with the County and stopping action on the proposed annexation;
 - C. Disagreeing that the County's objection(s) are bona fide and notifying the County that the City will seek a declaratory judgement in court; provided that representatives from the City and the County shall attempt to resolve the dispute prior to initiating the mediation process.
 4. If the City initiates mediation, the City and County will agree on the mediator, mediation schedule and determine participants in the mediation; provided that the mediation process shall not exceed thirty (30) days unless the City and County mutually agree to extend the time period.
 5. If no resolution of the County's bona fide land use classification objection(s) results from the mediation, the City will not proceed with the proposed annexation.
 6. If the City and County reach agreement as described in step 3(a) or as a result of the mediation, they will draft an annexation agreement for execution by the City and County governments. Regardless of future changes in land use or zoning classification, any site-specific mitigation or enhancement measures or site design stipulations included in the agreement will be binding on the property. The agreement shall become final when signed by the City and the County and shall be filed at the courthouse.

This annexation dispute resolution agreement shall remain in force and effect until rescinded or amended by agreement of each party or unless otherwise terminated by operation of law. Upon adoption by the City and County, this agreement will be advertised and posted at City Hall and the County Courthouse for a period of thirty (30) days.

(Adopted 5/26/98)

Section 39-107 Service Delivery Strategy Agreement

The Walton County Service Delivery Strategy Agreement (*Adopted 5/18/99*) is incorporated by reference as if fully set out herein.

Section 39-108 Service Delivery Strategy Dispute Resolution Process

The City of Walnut Grove (hereinafter known as the "City") and Walton County (hereinafter known as the "County") hereby agree to implement the following process for resolving land disputes over annexation effective April 1, 2004.

1. Pursuant to *O.C.G.A. § 36-36-6*, prior to initiating any formal annexation activities, the City will notify the county government of a proposed annexation and provide information on location of property, size of area, and proposed land use or zoning classifications) (if applicable) of the property upon annexation.

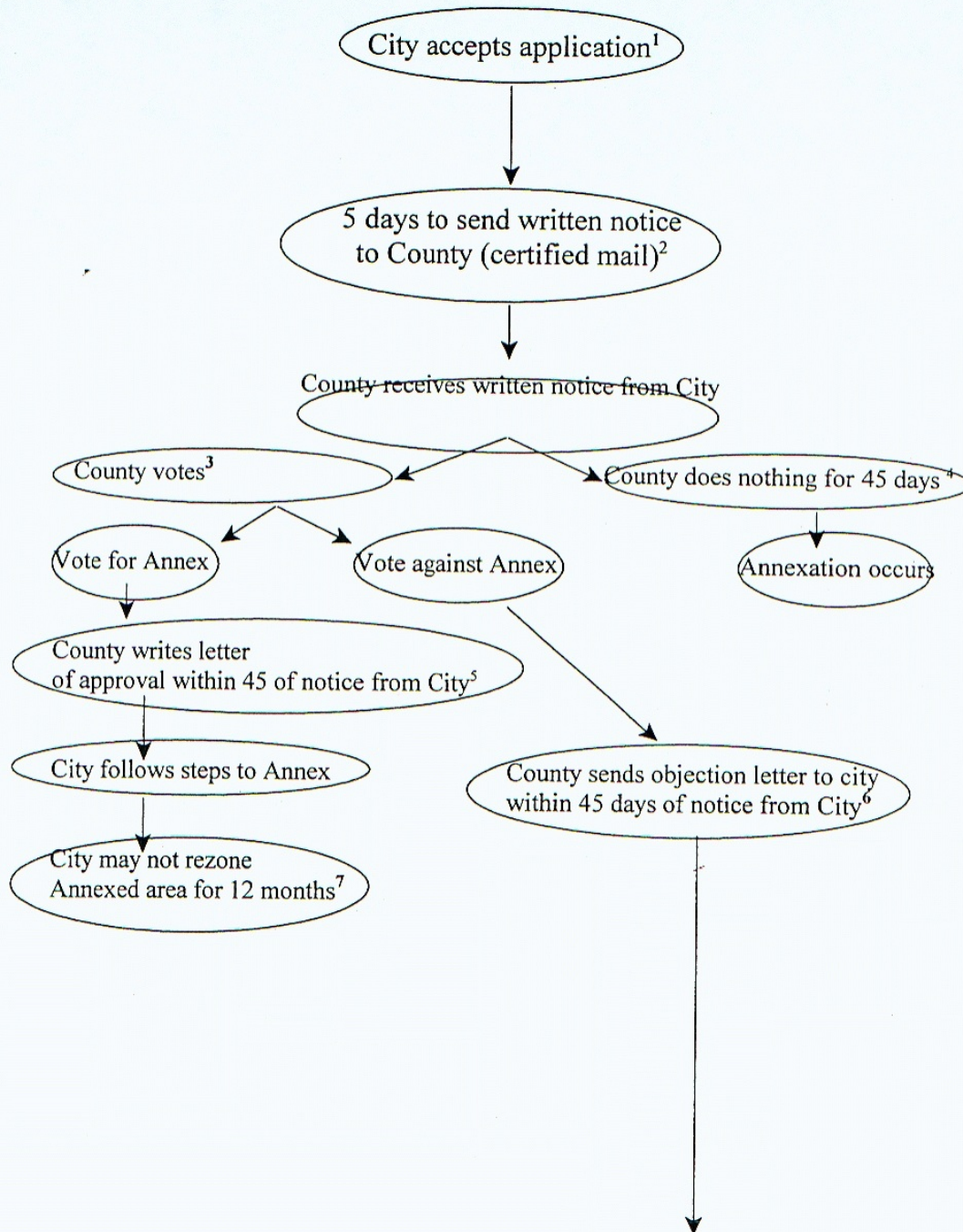
In accordance with *O.C.G.A. § 36-36-11* and within forty-five (45) days following receipt of the above notice in paragraph 1, the County will forward to the City a statement either: (a) indicating that the County has no objection to the proposed land use for the property; or (b) describing its bona fide objection(s) to the City's proposed land use classification, providing supporting information, and listing any possible stipulations or conditions that would alleviate the County's objection(s);

2. If the County has no objection to the City's proposed land use or zoning classification, the City is free to proceed with the annexation. The City will not entertain a proposed land use or zoning change on the property for a period of 12 months from the day the annexation becomes effective. If the County fails to respond to the City's notice in writing within the deadline, the City is free to proceed with the annexation and the County loses its right to invoke the dispute resolution process, stop the annexation or object to land use changes after the annexation.
3. If the County notifies the City that it has a bona fide land use classification objection(s), the City will hold the appropriate public hearings and respond to the County in writing within ninety (90) days of receiving the County's objection(s) by either: (a) agreeing to implement the County's stipulations and conditions and thereby resolving the County's objection(s); (b) notifying the County that it has denied the proposed annexation; © disagreeing that the County's objection(s) are bona fide and notifying the County that the City intends to seek a declaratory judgment in court.
4. Prior to filing a declaratory judgment action, the City and County shall conduct a meeting within fifteen (15) days of the City's response to the County in paragraph 3 above (this meeting shall be entitled the informal resolution process). The attendees for the County and City shall have the requisite authority, if any, to settle the matter.
5. If the informal resolution process is not successful, then the City and County will agree on a mediator, mediation schedule and determine participants in the mediation. The mediation process shall be concluded within forty-five (45) days of the City's notice to the County in paragraph 3 unless the City and County mutually agree to extend the time period.
6. If no resolution of the County's bona fide land use classification objection(s) results from the mediation, the City may proceed with its declaratory judgment action.
7. If the City and County reach agreement as described in paragraph 3(a), or reach agreement as a result of the informal resolution process as described in paragraph (4), or reach agreement as a result of mediation as described in paragraph (5), they will draft an annexation agreement for execution by the City and County governments. Regardless of future changes in land use or zoning classifications, any site-specific mitigation or enhancement measures or site-design stipulations included in the agreement will be binding on the property. The agreement shall become final when signed by the City and the County and shall be filed at the courthouse.
8. All notices specified herein shall be sent by certified mail return receipt requested.

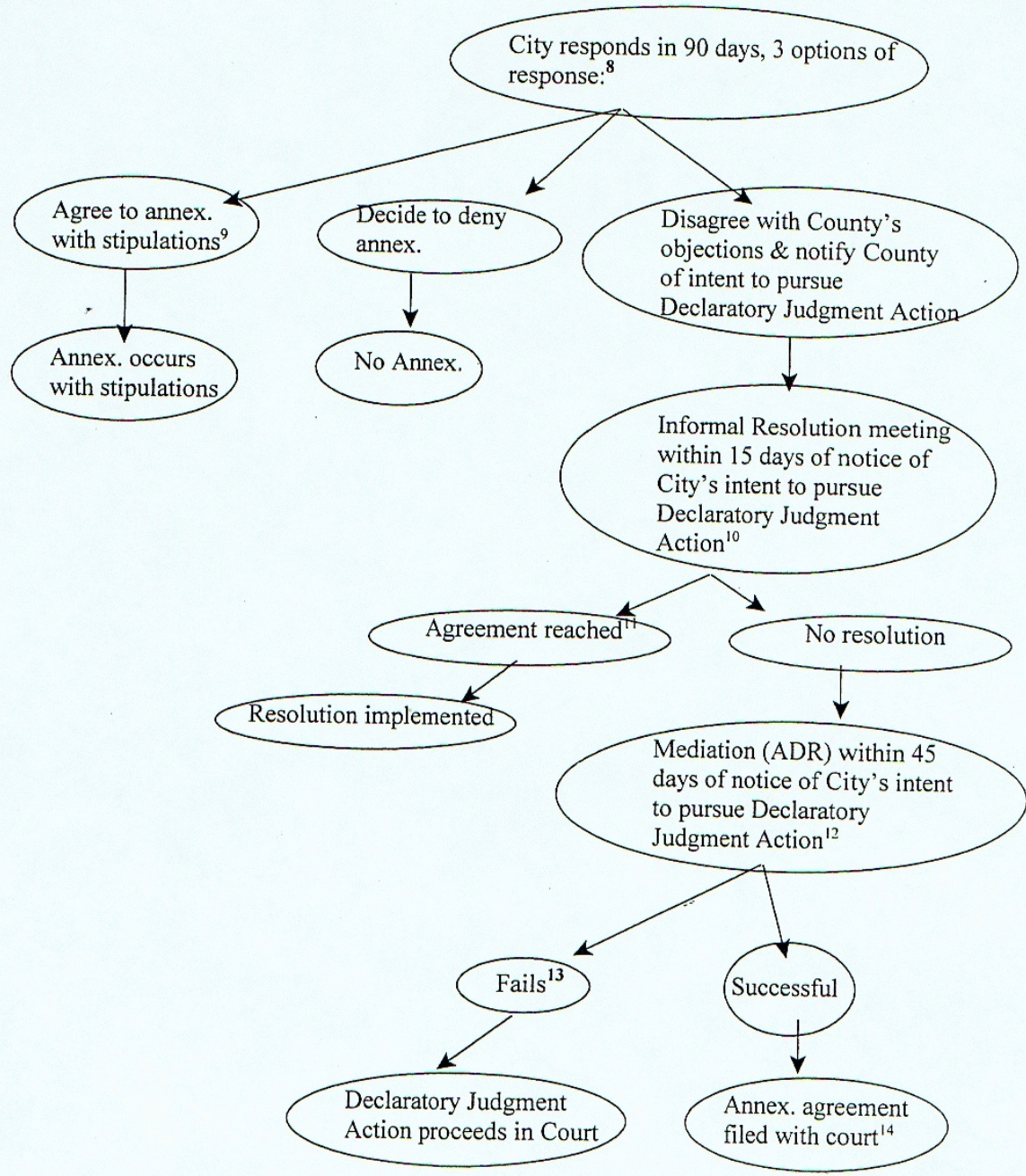
This annexation dispute resolution agreement shall remain in force and effect until rescinded or amended by agreement of each party or unless otherwise terminated by operation of law. Upon adoption by the City and County, this agreement will be advertised and posted at City Hall and the county courthouse for a period of thirty (30) days.

(Adopted 3/23/04)

Annexation Procedure



Walton County Service Delivery Strategy
Dispute Resolution Process



¹ The City automatically accepts the application if it meets the criteria as set forth in O.C.G.A. § 36-36-21.

**Walton County Service Delivery Strategy
Dispute Resolution Process**

¹ The City automatically accepts the application if it meets the criteria as set forth in *O.C.G.A.* § 36-36-21.

² The City must send written notice to the county via certified mail within five (5) days of accepting the application. This notice shall include a map or other description of the site proposed to be annexed sufficient to identify the area. See *O.C.G.A.* § 36-36-6. Additionally, the notice shall include "information on location of property, size of area, and proposed land use or zoning classification(s) (if applicable) of the property" pursuant to Walton County's Service Strategy Dispute Resolution Process paragraph (1).

³ In making a determination, the Board shall consider the standard set forth in *O.C.G.A.* § 36-36-11 as follows:

O.C.G.A. § 36-36-11 (a)

"The term 'bona fide land use classification objection' means an objection to a proposed change in land use which results in a substantial change in the intensity of the allowable use of the property or change to a significantly different allowable use."

⁴ Forty-five (45) days from the day the County receives the initial notice from the City in accordance with *O.C.G.A.* § 36-36-6.

⁵ Forty-five (45) days from the day the County receives the initial notice from the City in accordance with *O.C.G.A.* § 36-36-6.

⁶ Forty-five (45) days from the day the County receives the initial notice from the City in accordance with *O.C.G.A.* § 36-36-6.

According to Walton County's Service Strategy Dispute Resolution Process paragraph (1) section (b), the County must send the City a letter "describing its bona fide objection(s) to the City's proposed annexation, providing supporting information, and listing any possible stipulations or conditions that would alleviate the County's objection(s)." This letter must be sent by certified mail.

⁷ See Walton County's Service Strategy Dispute Resolution Process, paragraph 2

⁸ Pursuant to Walton County's Service Strategy Dispute Resolution Process paragraph (3), "the City will hold the appropriate public hearings and respond to the County in writing within ninety (90) days of receiving the County's objection(s) notice by either: (a) agreeing to implement the County's stipulations and conditions and thereby resolving the County's objection(s); (b) notifying the County that it has denied the proposed annexation; © disagreeing that the County's objection(s) are bona fide and notifying the County that the City intends to seek a declaratory judgment in court.

⁹ Agreement shall be filed with the court as well as advertised and posted at City hall and the county courthouse for a period of thirty (30) days. See Walton County's Service Strategy Dispute Resolution Process, paragraph (7) and concluding paragraph.

¹⁰ See paragraph (4) of Walton County's Service Strategy Dispute Resolution Process.

¹¹ Agreement shall be filed with the court as well as advertised and posted at City hall and the county courthouse for a period of thirty (30) days. See Walton County's Service Strategy Dispute Resolution Process, concluding paragraph.

¹² See paragraph (5) of Walton County's Service Strategy Dispute Resolution Process.

¹³ See paragraph (6) of Walton County's Service Strategy Dispute Resolution Process.

¹⁴ Agreement shall be filed with the court as well as advertised and posted at City Hall and the county courthouse for a period of thirty (30) days. See Walton County's Service Strategy Dispute Resolution Process, concluding paragraph.

Section 39-109

Minimum Health and Safety Standards for Pre-Owned Manufactured Homes

1. Definitions.

The following words, terms, or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section.

- A.** Applicant means any person seeking to install a pre-owned manufactured home in the city limits of the City of Walnut Grove.
- B.** Building Inspector means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the municipal building official or any of his or her assistants.
- C.** Certificate of occupancy means a document issued by the building inspector certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this Ordinance, and indicating it to be in a condition suitable for residential occupancy.
- D.** Guarantee of Condition Bond means a surety bond to guarantee that the affidavit and photographs required by paragraphs (1) and (2) of subsection (a) of Section 3 of this ordinance reasonably portray or represents the existing condition of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the city.
- E.** Install means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.
- F.** Jurisdiction means the areas within the city limits of the City of Walnut Grove, Georgia.
- G.** 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 systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.
- H.** Pre-owned manufactured home means any manufactured home that has been previously used as a residential dwelling and has been titled.

2. Conditions.

All pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, et seq.

3. Permitting, Inspection, Certificate of Occupancy and Fees.

A permit shall be required to locate a pre-owned manufactured home in the jurisdiction.

- A. Permit.** To obtain a permit, Applicants shall provide to the building inspector:
 - (1) An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act;
 - (2) Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Section 4 of this ordinance;
 - (3) A \$1000.00 refundable guarantee of condition bond or \$500.00 refundable cash deposit; and
 - (4) The permit and inspection fee required by subsection (D) of this Section.
- B. Inspection.** Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.
- C. Certificate of Occupancy.** A certificate of occupancy shall be issued to the Applicant at such time that the building inspector certifies that the requirements of this ordinance have been met.
- D. Fee.** A permit and inspection fee of \$300.00 shall be charged to the applicant to cover the cost to the city to process the permit application and inspect the pre-owned manufactured home. Such fee shall cover the initial inspection and one followup inspection. The applicant shall be charged \$150.00 for each additional followup inspection that may be necessary.

- E. Alternative Inspection. At the request of the Applicant, the building inspector may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within the city.
- 4. Minimum Health and Safety Standards.
All pre-owned manufactured homes shall comply with the following before being issued a certificate of occupancy by the building inspector:
 - A. HUD Code: Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
 - B. Interior Condition. Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
 - C. Exterior Condition. The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
 - D. Sanitary Facilities. Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.
 - E. Heating Systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.
 - F. Electrical Systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded. Each pre-owned manufactured home shall contain a water heater in safe and working order.
 - G. Hot Water Supply. Each home shall contain a water heater in safe and working condition.
 - H. Egress Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.
 - I. Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.
 - J. Smoke Detectors. Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.
- 5. Enforcement.
 - A. Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.
 - B. Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.
 - C. The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the building inspector.
- 6. Penalties
Failure to remove a pre-owned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be punishable by a fine of \$500.00. Each day any violation under this ordinance continues shall be considered a separate offense.

(Adopted 5/12/2011)

CHAPTER 40: ADULT ENTERTAINMENT ORDINANCE

Section

- 40-101 Purpose
- 40-102 Definitions
- 40-103 Erotic Dance Establishment Regulations
- 40-104 Prohibited Activities
- 40-105 Required Permit
- 40-106 Operation of Unlicensed Premises
- 40-107 Admission of Minors
- 40-108 Sales to Minors
- 40-109 Location
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- 40-111 Application or Permit
- 40-112 Application Contents
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- 40-114 Application - Investigation
- 40-115 Persons Prohibited as Licensees
- 40-116 Permit - Refusal - Appeal
- 40-117 Permit - Renewal
- 40-118 Permit - Non-transferrable
- 40-119 Change of Location or Name
- 40-120 Appeal Procedure
- 40-121 City Council Determines Procedure
- 40-122 City Council Hearing
- 40-123 Powers of Hearing Officer
- 40-124 Rules of Evidence
- 40-125 Hearing Officer - Report
- 40-126 Action by City Council
- 40-127 Violations; Penalty
- 40-128 Unlawful Operation
- 40-129 Cleaning of Licensed Premises
- 40-130 Self-Inspection of Licensed Premises
- 40-131 Scaling for Unsanitary or Unsafe Conditions
- 40-132 Abatement as Sanitary Nuisance



Section 40-101 Purpose

The purpose of this Chapter 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 will be curtailed. However, it is recognized that such regulation cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. As to adult dance establishments, this Article represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments versus the protected rights of adult entertainment establishments and patrons.

Section 40-102 Definitions

The following terms used in this Article defining adult entertainment establishments shall have the meanings indicated below:

1. **Adult Bookstore.** An establishment having 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 five percent (5%) of its total floor space devoted to the sale or display of such materials, or five percent (5%) 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.
2. **Adult Cabaret.** An adult entertainment facility, or that part of an adult entertainment facility which regularly features or otherwise offers to the public, customers or members, into a viewing area which is designed for occupancy by more than five (5) persons, any live exhibition, performance of dance by a person or persons whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appear unclothed or in such attire, costume, or clothing so as to expose to view specified anatomical areas.
3. **Adult Dancing Establishment.** A business that features dancers displaying or exposing specified anatomical areas.
4. **Adult Hotel or Motel.** A hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities of specified anatomical areas.
5. **Adult Massage Parlor.** A sexually oriented commercial enterprise whose major business is the offering, for any form of consideration, of a service of rubbing, kneading, or striking of the customer's body in a way which is intended to provide sexual stimulation of sexual gratification to the customer.
6. **Adult Motion Picture Theater.** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
7. **Adult Mini-motion Picture Theater.** An enclosed building with a capacity of less than fifty (50) persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
8. **Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coins or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images to be displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
9. **Adult Video Store.** An establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, 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 five percent (5%) of its total floor space, devoted to the sale or display of such material or which derives more than five percent (5%) of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
10. **Encounter Center.** Any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.
11. **Erotic Dance Establishment.** A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
12. **Escort Bureau; Introduction Services.** Any business, agency, or persons who, for a fee, commission, hire, reward or profit, furnished or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
13. **Good Moral Character.** A person is of good moral character according to his Chapter if that person has not been convicted of a felony, or any crime not a felony if it involves moral turpitude, in the past five (5) years. The City may also take into account such other factors as are necessary to determine the good moral character of the applicant or employee. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.
14. **Minor.** For the purposes of this Section, any person who has not attained the age of eighteen (18) years.

- 15. Specified Sexual Activities.** Means and shall include any of the following:
- A.** Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral and anal copulation, bestiality, direct physical 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, fellatio, necrophilia, pederasty, pedophilia, piguerism, sapphism, zooerasty; or
 - B.** Clearly depicted human genitals in a state of sex stimulation, arousal or tumescence; or
 - C.** Use of human or animal ejaculation, sodomy, or copulation, coitus or masturbation; or
 - D.** Fondling or touching of nude human genitals, pubic region, buttocks or female breasts; or
 - E.** Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 - F.** Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
 - G.** Human excretion, orientation, menstruation, vaginal or anal irrigation.
 - H.** Specified anatomical areas shall include any of the following:
 - (1) Less than completely and opaquely covered human genitals or pubic region, buttock, or female breast below a point immediately above the top of the areola; or
 - (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Section 40-103 Erotic Dance Establishment Regulations

- 1.** No person, firm partnership, corporation or other entity shall advertise or cause to be advertised an erotic dance establishment without a void adult entertainment establishment license issued pursuant to this Chapter.
- 2.** No later than March 1st of each year, an erotic dance establishment licensee shall file a verified report with the City Clerk showing the licensee's gross receipts and amounts paid to dancers for the preceding calendar year.
- 3.** An erotic dance establishment licensee shall maintain and retain for a period of two (2) years the names, addresses and ages of all persons employed as dancers.
- 4.** No adult entertainment establishment licensee shall employ or contract with as a dancer a person under the age of eighteen (18) years or a person not licensed pursuant to this Chapter.
- 5.** No person under the age of eighteen (18) years shall be admitted to an adult entertainment establishment.
- 6.** An erotic dance establishment may be open only between the hours of 8:00 a.m. and 2:00 a.m. Monday through Friday, and Saturday from 8:00 a.m. through 2:55 a.m. on Sunday. No licensee shall permit his place of business to be open on December 25th.
- 7.** No erotic dance establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any malt or vinous beverages, intoxicating liquor, or controlled substance upon the premises of the licensee.
- 8.** An adult entertainment establishment licensee shall conspicuously display all licenses required by this Chapter.
- 9.** All dancing shall occur on a platform intended for that purpose which is raised at least two feet (2') from the level of the floor.
- 10.** No dancing shall occur closer than ten feet (10') to any patron.
- 11.** No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.
- 12.** No patron shall directly pay or give any gratuity to any dancer.
- 13.** No dancer shall solicit any pay or gratuity from any patron.
- 14.** All areas of an establishment licenses hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to three and five tenths (3.5) foot candles per square foot.
- 15.** If any portion of sub-paragraph of this Section of this Chapter or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

Section 40-104 Prohibited Activities

No person, firm, partnership, corporation, or other entity shall publicly display or expose or suffer the public display or exposure, with less than a full opaque covering, or any portion of a persons genitals, pubic area or buttocks in a lewd and obscene fashion.

Section 40-105 Required Permit

It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on in or upon any premises within the City of Walnut Grove any of the adult entertainment establishments defined in this Chapter without a permit to do so. No permits so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States.

Section 40-106 Operation of Unlicensed Premises

It shall be unlawful for any person to operate an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult hotel or motel, adult motion picture arcade, cabaret, encounter center, escort bureau or adult business or adult dancing establishment unless such business shall have a currently valid license or shall have made proper application for renewal within the time required thereof under this Chapter, which license shall not be under suspension or permanently or conditionally revoked.

Section 40-107 Admission of Minors

It shall be unlawful for a licensee to admit or permit the admission of minors within a licensed premises.

Section 40-108 Sales to Minors

It shall be unlawful for any person to sell, barter, or give or offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult massage parlor, or adult dancing establishment of other adult entertainment facility.

Section 40-109 Location

1. No adult business or use restricted hereunder shall be located:
 - A. Within one thousand feet (1,000') of any parcel of land which is either named or used for residential uses or purposes;
 - B. Within one thousand feet (1,000') of any parcel of land upon which a church, school, governmental building, library, civic center, public part or playground is located;
 - C. Within one thousand feet (1,000') of any parcel or land upon which another establishment regulated or defined hereunder is located;
 - D. Within one thousand feet (1,000') of any parcel of land upon which any other establishment selling alcoholic beverages is located;
 - E. On less than three (3) acres of land containing at least one hundred feet (100') of road frontage.
2. For the purposes of this Section, distance shall be by airline measurement from property line, using the closest property lines of the parcels of land involved. There term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

Section 40-110 Employees

1. **Qualifications.** Employees of an adult entertainment establishment shall be not less than eighteen (18) years of age. Every employee must be of good moral character as defined in this Chapter. Any employee who is convicted of a crime constituting a felony or a crime not a felony involving moral turpitude while employed as an adult entertainment establishment employee shall not thereafter work on any licensed premises for period of five (5) years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include an adjudication of guilt on a plea of guilty or nolo contendere of the forfeiture of a bond when charged with a crime, and the terms of "employed on the licenses premises" and "work on any licenses premises" shall include as well work done or services performed while in the scope of employment elsewhere than on the licenses premises.
2. **Approval for Employment.** Before any person may work on a licenses premises, he shall file a notice with the City Clerk of this intended employment on forms supplied by City Clerk and shall receive approval of such employment from the City Clerk. The prospective employee shall supply such information as the City Clerk requires, including a set of fingerprints, on regular City or Walnut Grove or United States Department of Justice forms. Upon approval,

the employee may begin working on the licenses premises. If approval is denied, apply to the City Clerk for a hearing. The decision of the licensed officer after hearing may be appealed to the City Council which may issue such order as is proper in the premises. An investigation fee of fifty dollars (\$50.00) shall accompany the notice of intended employment or a receipt of the City Clerk evidencing the payment of such fee at the time the notice is filed.

3. **Suspension, Revocation of License.** Violation of the Provisions of this Code, the Ordinances of the City of Walnut Grove, laws and regulations of the State of Georgia, or the rules and regulations of the City shall subject an employee to suspension or revocation of license.
4. **Independent Contractors.** For the purpose of this Chapter, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

Section 40-111 Application for Permit

1. Any person, association, partnership or corporation desiring to obtain a permit to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the City Administrator or his designated representative. Prior to submitting such application, a non-refundable fee, established by resolution of the City Council, shall be paid to the City Clerk to defray in part of the cost of investigation and report required by this Chapter. The City Clerk shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the City Administrator at the time such application is submitted.
2. The application for permit does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.

Section 40-112 Application Contents

Each application for an adult entertainment establishment permit shall contain the following information:

1. The full true name and any other names used by the applicant.
2. The present address and telephone number of the applicant
3. The previous addresses of the applicant, if any, for a period of five (5) years immediately prior to the date of the application and the dates of residence at each;
4. Acceptable written proof that the applicant is at least eighteen (18) years of age;
5. The applicant's height, weight, color of eyes and hair, and date and place of birth;
6. Two (2) photographs of the applicant at least two (2) inches by two (2) inches taken within the last six (6) months;
7. Business, occupation or employment history of the applicant for the five (5) years immediately preceding the date of application. Business or employment records of the applicant, partners in a partnership, directors and officers of a corporation and, if a corporation, all shareholders holding more than five percent (5%) of the shares of corporate stock outstanding;
8. The business license history of the applicant and whether such applicant, in previous operations in this or any other City, state or territory under license, has had such license or permit for any adult entertainment business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;
9. All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions;
10. 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 and addresses of each of its current officers and directors and each stockholder holding more than five percent (5%) of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the names, residence addresses and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the City Clerk. If one or more of the partners is a corporation, the provisions of this sub-section pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this Chapter, but only one application fee shall be charged;
11. The names and addresses of the owner and lessor of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;

12. Such other identification and information as the police department may require in order to discover the truth of the matters hereinbefore specified as required to be set forth in the application;
13. The age and date of birth of the applicant, of any partners, or of any and all officers, of any stockholders of more than five percent (5%) of the shares of the corporation stock outstanding, directors of the applicant if the application is a corporation;
14. If the applicant, any partners or any of the officers or stockholders holding more than five percent (5%) of the outstanding shares of the corporation, or the directors of the applicant if the application is a corporation, have ever been convicted of any crime constituting a felony, or any crime not a felony involving moral turpitude, in the past five (5) years and, if so, a complete description of any such crime, including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed.
15. The City shall require the individual applicant to furnish fingerprints of the applicant;
16. If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded. If the applicant is a corporation, a copy of authority to do business in Georgia, including articles of incorporation, trade name affidavit, if any, last annual report, if any;
17. At least three (3) character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the application if the license is granted and who have not been convicted of any felony or a municipal code violation involving moral turpitude in the past five (5) years. The City Clerk shall prepare forms consistent with the provisions of this sub-section for the applicant, who shall submit all character references on such forms;
18. Address of the premises to be licensed;
19. Whether the premises are owned or rented and, if the applicant has a right to legal possession of the premises, copies of those documents giving such legal right;
20. A plat by a registered engineer, licensed by the State of Georgia, showing the location of the proposed premises in relation to the neighborhood, the surrounding zoning, its proximity to any church, school, public park, governmental building or site, or other business hereunder regulated;
21. Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:
 - A. If the applicant is an individual, the individual;
 - B. If by a partnership, by the manager or general partner;
 - C. If a corporation, by the president of the corporation;
 - D. If any other organizations or association, by the chief administrative official.

Section 40-113 Applicant to Appear

The applicant, if an individual, or designated responsible managing officer, if a partnership or corporation, shall personally appear at the City of Walnut Grove and produce proof that a non-refundable application fee, established by resolution of the City Council, has been paid and shall present the application containing the aforementioned and described information.

Section 40-114 Application - Investigation

The City shall have thirty (30) days to investigate the application and the background of the applicant. Upon completion of the investigation, the Mayor and Council may grant the permit if it finds:

1. The required fee has been paid;
2. The application conforms in all respects to the provisions of this Chapter;
3. The applicant has not knowingly made a material misrepresentation in the application;
4. The applicant has fully cooperated in the investigation of his application;
5. The applicant, if an individual, or any of the stockholders of the corporation, 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 been convicted in a court of competent jurisdiction of an offense involving conduct or convicted of an attempt to commit any of the above-mentioned offenses, or convicted in any state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above mentioned offenses, or any crime involving dishonesty, fraud, deceit, or moral turpitude;
6. The applicant has not had an adult entertainment establishment permit or other similar license or permit denied or revoked for cause by this City or any other city located in or out of this state prior to the date of application;

7. The building, structure, equipment, or location of such business as proposed by the applicant would comply with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards;
8. The applicant is a least twenty-one (21) years of age;
9. That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not, within five (5) years of the date of the application, knowingly allowed or permitted any of the specified sexual activities as defined herein to be committed or allowed in or upon the premise where such adult entertainment establishment is to be located or to be used as a place in which solicitations for the specified sexual activities as defined herein openly occur;
10. That on the date the business for which a permit 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;
11. That the proposed premises is not to be located too close to any church, school, library, governmental building or site, or any other business restricted hereunder;
12. That the grant of such license will not cause a violation of this Chapter or any other ordinance or regulation of the City of Walnut Grove, State of Georgia, or the United States.
13. Any other inquiry deemed necessary or desirable by the City to insure the health, safety, and welfare of the citizens of the City of Walnut Grove or the preservation of its neighborhoods.

Section 40-115 Persons Prohibited as Licensees

1. No license provided for by this Chapter shall be issued to or held by:
 - A. An applicant who has not paid all required fees and taxes for a business at that location or property taxes;
 - B. Any person who is not of good moral character;
 - C. Any corporation, any of whose officers, directors or stockholders holding over five percent (5%) of the outstanding issued shares of capital stock are not of good moral character;
 - D. Any partnership or association, any of whose officers or members holding more than five percent (5%) interest therein are not of good moral character;
 - E. Any person employing, assisted by or financed in whole or in part by any person who is not of good moral character;
 - F. Any applicant who is not qualified to hold and conduct a business according to the laws of the United States, the State of Georgia, or the City of Walnut Grove.
2. Should there be a sufficient number of current licenses to meet the needs and desires of the inhabitants of the City, no new licenses shall issue. In determining the needs and desires of the inhabitants, the standard of review shall be that the market is virtually unrestrained as defined in *Young v. American Mini Theaters, Inc.*

Section 40-116 Permit - Refusal - Appeal

If the City, following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this chapter, it shall notify the City Clerk of such opinion and, within thirty (30) days of the date of application, provide copies of the investigation report to the City Clerk. The City Clerk shall, within ten (10) days notify the applicant by certified mail of such denial. Any applicant who is denied a permit may appeal such denial to the Mayor and Council.

Section 40-117 Permit - Renewal

Permits for adult entertainment establishments may be renewed on a year-to-year basis, provided that the permittees continue to meet the requirements set out in this Chapter. The renewal fees for the adult entertainment establishment permits shall be established by resolution of the City Council.

Section 40-118 Permit - Not-Transferable

No adult entertainment establishment permit may be sold, transferred, or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; provided and excepting, however, that the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case the permit, upon notification to the City, shall be placed in the name of the

surviving partner. An adult entertainment establishment permit 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 permit of any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.

Section 40-119 Change of Location or Name

1. No adult entertainment establishment shall move from the location specified on its permit until a change of location fee, established by resolution of the City Council, has been deposited with the City and approval has been obtained from the City Clerk. Such approval shall not be given unless all requirements and regulations as contained in the City Code have been met.
2. No permittee shall 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 permit.
3. Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is location shall require inspection and shall comply with the provisions and regulations of this Chapter.

Section 40-120 Appeal Procedure

1. The permittee shall, within ten (10) days after he has been notified of an adverse determination, submit a notice of appeal to the City Clerk.
2. The notice of appeal shall be addressed to the council and shall specify the subject matter of the appeal, the date of any original and amended application or requests, the date of the adverse decision (or receipt of notice thereof), the basis of the appeal, the action requested of the council and the name and address of the applicant.
3. The clerk shall place the appeal on the agenda of the next regular council meeting occurring not less than five (5) nor more than thirty (30) days after receipt of the application for council action.

Section 40-121 City Council Determines Procedure

When an appeal is placed on the council agenda, the council may take either of the following actions:

1. Set a hearing date and instruct the City Clerk to give such notice of hearing as may be required by law;
2. Appoint a hearing officer and fix the time and place for hearing. The hearing officer may or may not be a City employee and may be appointed for an extended period of time. The Clerk shall assume responsibility for such publication of notice of the hearing as may be required by law. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this Chapter.

Section 40-122 City Council Hearing

Whenever the City Clerk has scheduled an appeal before the City Council, at the time and date set therefor, the council shall receive all relevant testimony and evidence from the permittee, from interested parties and from City staff. The City Council may sustain, overrule or modify the action complained of. The action of the City Council shall be final.

Section 40-123 Powers of Hearing Officer

The Hearing Officer appointed pursuant to the procedure set out in this chapter may receive and rule on admissibility of evidence, hear testimony under oath and call witnesses as he may deem advisable with respect to the conduct of the hearing.

Section 40-124 Rules of Evidence

The City Council and the Hearing Officer shall not be bound by the traditional rules of evidence in hearings conducted under this chapter. Rules of evidence as applied in an administrative hearing shall apply.

Section 40-125 Hearing Officer - Report

1. The Hearing Officer shall, within a reasonable time not to exceed thirty (30) days from the date such hearing is terminated, submit a written report to the council. Such report shall contain a brief summary of the evidence considered and state findings, conclusions, and recommendations. All such reports shall be filed with the City Clerk

and shall be considered public records. A copy of such report shall be forwarded by certified mail to the permittee/appellant the same day it is filed with the City Clerk, with additional copies furnished the City Administrator and Chief of Police.

2. The City Clerk shall place the Hearing Officer's report of the agenda of the next regular council meeting occurring not less than ten (10) days after the report is filed and shall notify the permittee/appellant of the date of such meeting at least ten (10) days prior to the meeting unless the permittee/appellant stipulates to a shorter notice period.

Section 40-126 Action by City Council

1. The council may adopt or reject the Hearing Officer's decision in its entirety or may modify the proposed recommendation. If the council does not adopt the Hearing Officer's recommendation, it may:
 - A. Refer the matter to the same or another Hearing Officer for a completely new hearing or for the taking of additional evidence on specific points; in either of such cases, the Hearing Officers shall proceed as provided in this Chapter;
 - B. Decide the case upon a review of the entire record before the Hearing Officer with or without taking additional evidence.

Section 40-127 Violations; Penalty

Any person violating the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition to such fine or imprisonment, violation of this chapter shall also be grounds for immediate suspension or revocation of the license issued hereunder.

Section 40-128 Unlawful Operation

Any adult entertainment establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be the same is hereby declared to be unlawful and public nuisance. The City may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinder thereof in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting, or maintaining an adult entertainment establishment contrary to the provisions of this chapter. In addition, violation of the provisions of this chapter shall be per se grounds for suspension or revocation of a license granted hereunder.

Section 40-129 Cleaning of License Premises

Each licensed premises shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the licensed premises. There shall be provided adequate facilities, equipment and supplies on the licensed premises to meet this requirement, and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire licensed premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the licensed premises but shall be disposed of daily or as often as collections permit.

Section 40-130 Self-Inspection of Licensed Premises

The licensee of a licensed premises or his designated representative shall make sanitary inspection of the licensed premises at least once a month and shall record his findings on a form supplied by the City Clerk. Each licensed premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.

Section 40-131 Sealing for Unsanitary or Unsafe Conditions

A licensed premises or any part thereof may be sealed by order of the licensing on his finding of a violation of this chapter resulting in an unsanitary or unsafe condition. Prior to sealing, the City Clerk shall serve on the licensee, by personal service on him or by posting in a conspicuous place on the licensed premises, a notice of the violation and an order to correct it within

twenty-four (24) hours after service. If the violation is not so corrected, the City Clerk may physically seal that portion of the licensed premises causing the violation and order the discontinuance of use thereof until the violation has been corrected and the seal removed by the City Clerk. The City Clerk shall affix to the sealed premises a conspicuous sign labeled "unclean" or "unsafe" as the case may be.

Section 40-132 Abatement as Sanitary Nuisance

A licensed premises or any part thereof may be abated as a sanitary nuisance.

(Effective 9/22/98)

CHAPTER 41: FRANCHISE AGREEMENT

Section

41-101	Natural Gas
41-102	Cable Television



Section 41-101 Natural Gas

Whereas, the City of Lawrenceville, Georgia, has entered into a contract to obtain a source of supply of natural gas from the Transcontinental Pipe Line Corporation and thereafter distribute such gas as so received; and

Whereas, the said City of Lawrenceville, Georgia has constructed gas transmission lines to run from the Transcontinental's pipeline to the said City which said transmission line passes through the corporate limits of the City of Walnut Grove; and

Whereas, the City of Walnut Grove and the City of Lawrenceville desire to enter into a franchise agreement for the provision of gas to the residents of the City of Walnut Grove; and

Whereas, the Mayor and Council of the City of Walnut Grove after due investigation finds that it would be unwise and financially unsound for it to attempt to construct its own distribution system within its corporate limits, and there appears no reasonable chance of financing such undertaking in the foreseeable future; and

Whereas it is deemed advisable and to the best interest to the City and its citizens if the City of Walnut Grove could make available gas facilities to be used by its citizens and other rightfully entitled to use same and to accomplish this purpose grant a franchise to the City of Lawrenceville, which said City is willing to undertake to supply gas to such customers, as it may deem desirable and financially sound, located within the corporate limits of the City of Walnut Grove; and

Whereas, the City of Lawrenceville is desirous of obtaining such a franchise and the City of Walnut Grove is willing to grant same.

No, therefore, for an in consideration of the premises and the performance of the terms and conditions hereinafter set out, the City of Walnut Grove, Georgia, acting by and through its Mayor and Council, hereby grants to the City of Lawrenceville, Georgia, its successors and assigns, the right, privilege and franchise and the consent of said City to enter the corporate limits of said City, and therein to construct, maintain, repair, replace, extend and operate a natural gas distribution system with all the necessary mains, pipes, devises, outlets, meters, connections, appurtenances and accessories necessary and usual in connection therewith for the purpose of providing the City of Walnut Grove and the inhabitants thereof with a supply of natural gas, and further grants to the said City of Lawrenceville, its successors and assigns, the right, privilege, and franchise to thereafter maintain and operate such a system within the corporate limits of City of Walnut Grove as now existent and as hereafter extended; and to accomplish such purpose, to construct, maintain and operate such facilities along, across, over and under the streets, alleys, sidewalks and public places of the City of Walnut Grove, together with the right of condemnation as fully as is within the power of said City to grant.

The City of Walnut Grove and the City of Lawrenceville further agree as follows:

1. The terms of this grant and franchise shall be for a period of fifty (50) years from the date hereof.
2. The City of Lawrenceville, its successors and assigns, shall pay an annual franchise fee of three percent (3%) of the sales of gas which are collected form customers within the City limits of Walnut Grove. The three percent (3%) franchise fee shall be an amount charged to the customer within the City limits of Walnut Grove and shall be in addition to the rate set for delivery of gas by the City of Lawrenceville. The City of Lawrenceville shall pay the three percent (3%) franchise fee on all revenues collected by the City of Lawrenceville from residential and commercial, but not industrial customers within the territorial limits of the City of Walnut Grove. The franchise fee payments

shall be made by the City of Lawrenceville on an annual basis calculated from September 1 through August 31 (the City of Lawrenceville's fiscal year). Payment of the annual franchise fee shall be made by the City of Lawrenceville to the City of Walnut Grove on or before September 30 of the year following the fiscal year for which payment is made.

Lawrenceville's payments shall be accompanied by a statement showing how the amount of such payment was arrived at and the period covered thereby. The City of Lawrenceville is authorized to withhold five percent (5%) of the franchise fee collected for administrative costs associated with the collection process. This amount shall be deducted from each annual payment. Upon reasonable notice, the City of Walnut Grove, through its authorized representatives, may inspect and audit the books and records of the City of Lawrenceville for the purpose of determining the amount of the franchise fee.

For purposes of this Agreement, "Industrial Gas" or "gas sold to industrial customers", as to which the City of Lawrenceville shall pay no part of its revenue to the City of Walnut Grove, as consideration for this contract, is defined to be gas sold to manufacturing, assembling and processing businesses such as textile and cotton mills, brick and tile manufacturers, glass manufacturing plants, cement plants, foundries, electric generating plants, steel and other metal plants, cotton oil mills, ice plants, bottling plants, and other manufacturing plants, automobile and other assembling plants, Kaolin processing plants, rubber processing plants, meat packing plants, laundries, bakeries, dairies, food processing plants, and other processing plants, and to governmental institutions and to non-profit educational institutions using more than two hundred thousand cubic feet (200,000 ft.³) per day, and generally, without limiting the foregoing, all gas sold for use in industrial and manufacturing processes. Beginning in the first year of this Agreement, the City of Walnut Grove shall provide the City of Lawrenceville a list of industrial customers which shall be exempt from the franchise tax. The City of Walnut Grove shall notify the City of Lawrenceville in writing each year of additions or deletions to this list of exempt industrial users. If the City of Lawrenceville bills or collects any franchise fees in error and pays those fees to the City of Walnut Grove, the City of Walnut Grove shall refund the amounts erroneously billed and paid to the customer.

3. The City of Lawrenceville, its successors and assigns, shall in all cases restore all streets, highways, alleys, roads, sidewalks and public places and other grounds of the City of Walnut Grove disturbed by the City of Lawrenceville in the exercise of this franchise to the original or equally good condition as before disturbed, and shall conduct its operation of construction, maintenance, replacement and repair without undue obstruction of traffic, foot or mobile, and shall make all restoration as above required within a reasonable time.
4. The City of Lawrenceville will undertake to supply a reasonable amount of gas to the residential, commercial and industrial users as might desire same, and which in the opinion of the City of Lawrenceville it is financially sound to afford such gas facilities and shall charge such customers the same rates, fees and charges as that charged by it to all users within any reasonable class insofar as is practicable.
5. The extension of the distribution system within the City of Walnut Grove will be made, if necessary, when the revenues derived therefrom in the opinion of the City of Lawrenceville will justify the cost of such extensions.
6. At the expiration of this franchise or as sooner otherwise terminated, the City of Lawrenceville, its successors and assigns, shall have the right to remove all of its gas distribution facilities (nothing contained herein shall effect the right of the City of Lawrenceville to always maintain its gas transmission line) belonging to it from and along said highways, streets, alleys, roads, sidewalks and public places within six (6) months after the termination of this franchise, provided it in all cases restores such places so disturbed to a condition as good as before removal.
7. Any transferee, assignee or successor of the City of Lawrenceville shall hold and exercise such rights, powers and privileges hereinabove granted under this franchise, subject to all terms and conditions as herein set forth.
8. In granting this franchise the City of Walnut Grove recognizes that the City of Lawrenceville, in order to acquire and construct its transmission line and the distribution system in this City as well as distribution system elsewhere, will franchise same by the issuance and sale of revenue anticipation certificates, and that the City of Lawrenceville has covenanted to always maintain rates, fees and charges and to revise and adjust such rates, fees and charges as may be necessary or proper so as to produce funds sufficient at all times to maintain and operate said system on a sound business-like basis, and to provide sufficient revenues for the payment of said certificates and the interest thereon, and to create reserves for that purpose. Further, it is recognized by the City of Walnut Grove in granting this franchise that all obligations herein imposed as a part hereof shall be performable only from the revenues of the said gas system to be constructed and thereafter operated and maintained.
9. All rights herein granted and authorized shall be subject to and governed only by this Ordinance; provided, however, the City of Walnut Grove expressly reserves unto itself all of its police power to adopt general ordinances

necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this Ordinance

10. This Ordinance, after its passage according to law, and its acceptance by the City of Lawrenceville, in writing duly filed with the City Clerk, shall become effective and in full force. The City of Lawrenceville's acceptance shall be in substantially the following form:

"On this 11th day of November, 1996, City of Lawrenceville hereby accepts the terms of this Ordinance passed on the 11th day November, 1996, entitled: 'An Ordinance granting to City of Lawrenceville, a Georgia Municipality, the right and franchise to use and occupy the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places of the City of Walnut Grove, Georgia, for construction, maintaining, renewing, repairing and operating a gas works and gas distribution system, and other necessary means of manufacturing, transmitting, distributing and selling manufactured, natural or commingled gas within and through the City of Walnut Grove, Georgia and fixing the terms and conditions of such grant.'

11. This Agreement shall become effective September 1, 1996.

In witness whereof, the City of Walnut Grove and the City of Lawrenceville, pursuant to the resolution of their Mayors and City Councils, have caused this franchise to be signed by their Mayors and their corporate seals affixed, attested by their Clerks as of the 8th day of August, 1996.

Section 41-102 Cable Television

An ordinance of the City of Walnut Grove, Georgia, granting Comcast Cablevision of the South, A Colorado General Partnership, a non-exclusive cable television franchise and the continuing right to erect, maintain and operate a cable television system in, under, over, along, across, and upon the public lanes, streets, avenues, sidewalks, alleys, bridges, and highways and other public places in the City of Walnut Grove, and subsequent additions or annexations thereto, for the purpose of providing cable service in the City of Walnut Grove, and for the other purposes, for a period of seven (7) years from and after the date of adoption of this Ordinance, regulating the same and for other purposes.

Whereas, the Mayor and Council of the City of Walnut Grove has determined that Comcast Cablevision of the South's financial, legal, and technical ability is reasonably sufficient to provide services, facilities and equipment necessary to meet the future cable-related needs and interest of the citizens of the City of Walnut Grove; and

Whereas, the Mayor and Council of the City of Walnut Grove desire to grant a cable television franchise to Comcast Cablevision of the South for the construction, operation and maintenance of a cable system in the City of Walnut Grove, on the terms and conditions set forth herein;

Now, therefore, be it ordained by the Mayor and Council of the City of Walnut Grove, Georgia, as follows:

1. For the purpose of this franchise, unless otherwise defined herein, the capitalized terms, words, phrases and their derivations shall have the meanings set forth herein, unless the context clearly indicates another meaning is intended.
 - A. **Cable Act.** Title VI of the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. Section 521 et seq.
 - B. **Cable Service.** (A) the one-way transmission to customers of (i) video programming, or (ii) other programming service, and (B) customers interaction, if any, which is required for the selection or use of such video programming or other programming service.
 - C. **Cable System.** A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple customers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves customers without using any Public Ways; © a facility of a common carrier which is subject in whole or in part, to the provisions of Title II of the Cable Act, except the such facility shall be considered a Cable System (other than for purposes of Section 621©) to the extent such facility is used in the transmission of video programming directly to customers, unless the extent of such use is solely to

- provide interactive on-demand service; (D) an open video system that complies with Section 653 of the Cable Act; or (E) any facilities of any electric utility used solely for operating its electric utility systems.
- D. **FCC.** The Federal Communications Commission, or successor governmental entity thereto.
 - E. **Franchise.** The initial authorization, or renewal thereof, issued by the Franchising Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, ordinance or otherwise, which authorizes the construction, operation, and maintenance of a Cable System.
 - F. **Franchise Area.** The present City limits of the City of Walnut Grove, Georgia, including any areas annexed by the Franchising Authority during the term of this franchise.
 - G. **Franchising Authority.** The City of Walnut Grove, Georgia, or the lawful successor, transferee, designee, or assignee thereof.
 - H. **Grantee.** Comcast Cablevision of the South, a Colorado General Partnership, and its successors and assigns.
 - I. **Gross Revenue.** Any and all gross revenue actually collected by the Grantee derived from the provision of Cable Service over the Cable System within the Franchise Area, including, monthly basic, premium and pay-per-view service fees, installation fee, and converter rental fees, but shall not include bad debt nor any taxes imposed and/or assessed by law or customers that the Franchisee collects and pays in full to the applicable authority.
 - J. **Person.** Any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit, but shall not mean the Franchising Authority.
 - K. **Public Ways.** The surface of, and the space above and below, any and all streets, avenues, highways, freeways, boulevards, concourses, driveways, bridges, tunnels, alleys, parks, parkways, ways, lanes, courts, circles, sidewalks, walks, waterways, docks, bulkheads, wharves, piers, public grounds, belonging to the Franchising Authority and any other property within the Franchise Area to the extent to which there exists public easements or public rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon.
2. In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, a non-exclusive Franchise is hereby granted to the Grantee to construct, erect, maintain, improve and operate a Cable System in, under, over, along, across and upon the present and future Public Ways in the Franchise Area, and for that purpose to erect, install, construct, repair, replace, maintain or retain in, on, over, under, upon, across or along any Public Way, such poles, wires, cables, conductors, conduits, vaults, pedestals, amplifiers, attachments, and other related property and equipment as may be necessary or appurtenant to the Franchisee's Cable System, in accordance with the laws and regulations of the FCC, or other federal state, and local ordinances and regulations. Nothing contained in this Franchise shall be construed to prohibit the Grantee from offering any services over it Cable System that is not prohibited by federal or state law.
 3. The Grantee shall provide a minimum of 55 channels of video programming with satisfactory reception available to its customers in the Franchise Area at any one time.
 4. Grantee shall make available to the Franchising Authority, upon reasonable prior written request, a current map of the location of Grantee's Cable System in the Franchise Area, for reproduction.
 5.
 - A. Grantee's Cable System, including, but not limited to, poles, wires, cables, conductors, conduits, faults, pedestals, amplifiers, attachments and other related equipment as may be necessary or appurtenant thereto, shall be located, constructed, erected, operated and maintained so as not to endanger or interfere with the lives of persons or to interfere with any improvements the Franchising Authority may have made or may deem proper to make, or to hinder unnecessarily, or obstruct the free use of the Public Ways. All work involved in the construction, operation, installation, maintenance, repair, upgrade and removal of the Cable System shall be performed in a safe, thorough and reliable manner using materials of good and durable quality.
 - B. Construction and maintenance of the Cable System shall be in substantial accordance with the provisions of the National Electric Safety Code prepared by the National Bureau of Standards, the applicable rules and regulations of the FCC or other federal, state and local ordinances and regulations affecting electrical installations. Further, the Franchising Authority, or its designee shall have the right to inspect said construction upon reasonable prior written notice, at reasonable times and in a manner so as not to disrupt the business or construction operations of the Grantee.
 - C. The Grantee shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses, or other forms of approval or authorization needed to construct, operate, maintain, repair or upgrade the Cable System, or any part thereof, prior to the commencement of any such work.

- D. In the event that all of the transmission or distribution facilities of the respective public and/or municipal utilities providing telecommunications and/or electric services are placed underground after the adoption of this Franchise, the Grantee shall be required to construct, operate, and maintain all of its transmission and distribution facilities underground; provided, such facilities are actually capable of receiving the Grantee's cable and other equipment without technical degradation of the Cable System's signal quality; and, provided, further, the Grantee is given reasonable notice and access to the public or municipal utilities facilities are placed underground.
 - E. In the event that a change is made in the grade, width, or lines of any Public Way by authority of the City, which shall necessitate the removal, alternation or relocation of the Grantee's Cable System, or any part thereof, to conform to the change of grade, width, or line, the Grantee shall make the necessary changes in its lines at its own cost and expense, within thirty (30) days of receiving written notice from the Franchising Authority.
 - F. In the maintenance and operation of its Cable System in the Public Ways, and in the course of any new construction or additions to any of its facilities, the Grantee shall proceed so as to cause the least possible inconvenience to the general public. Any openings in or obstructions of the Public Ways created by Grantee in the course of its operation, shall be made only after having obtained prior written permission from the Franchising Authority to do so, and shall be guarded and protected at all times by the placement of adequate barriers, fences, or boardings, the bounds of which, during periods of dusk and darkness shall be clearly designated by warning lights. If any Public Way in the Franchise Area is disturbed or damaged by or on behalf of the Grantee in the construction, maintenance or operation of its Cable System, the Grantee shall promptly, upon reasonable prior written notice and at its own cost and expense, repair and restore such Public Way to a condition reasonably comparable to the condition existing immediately prior to the Grantee's disturbance of such Public Way, and to the reasonable satisfaction of the Franchising Authority.
- 6.
- A. The Grantee shall make all Cable Services distributed over the Cable System in the Franchise Area available to every dwelling unit within the Franchise Area that reaches the minimum density of at least thirty (30) dwelling units per mile and to dwelling units that are within one hundred fifty feet (150') of the Grantee's distribution cable. The Grantee may elect, in its sole discretion, to provide Cable Services to areas not meeting the above standards. The Grantee may impose an additional charge in excess of its regular installation charge for any Cable Service installation requiring a drop in excess of the above standards. This additional charge shall be computed on a time plus materials basis to be calculated on that portion of the installation which is above and beyond one hundred fifty feet (150').
 - B. The Grantee shall extend Cable Services to all occupied residences within new single family subdivision in which the density of homes equals at least thirty (30) homes per mile within six (6) months of receiving a request for Cable Service by a resident of the subdivision.
 - C. The Franchising Authority shall provide the Grantee with written notice of its issuance of building or development permits for planned developments within the Franchise Area that require under grounding of cable facilities. The Franchising Authority agrees to require, as a condition to issuing such permits, the developer to give the Grantee access to open trenches for the deployment of cable facilities and written notice of the date of availability of trenches, which date shall not be less than ten (10) business days from the receipt of such notice. The developer shall be responsible for the digging and backfilling of all trenches. The Grantee shall be responsible for engineering, labor and cable facilities. Installation of cable facilities from utility easements to individual homes or other structures shall be at the cost of the home/building owner or developer, unless otherwise provided.
7. Throughout the term of this Franchise, the Grantee shall insure that the Cable System is designed, installed, maintained and operated in a manner that complies with FCC rules in Subpart K of Part 76 of Chapter I of Title 47 of the Code of Federal Regulations, as revised or amended from time to time. As provided in these rules, the Franchising Authority upon request shall have the right to obtain a copy of tests and records required in accordance with such rules. The Franchising Authority, however, has no authority, pursuant to federal law, to enforce compliance with such standards.
8. The Grantee shall provide free basic and expanded basic service, and free installation of one outlet, to each school and government building in the Franchise Area; provided, each such location is within two hundred feet (200') of the Grantee's distribution cable.

9. All rates, fees, charges, deposits and associated terms and conditions imposed by the Grantee for any Cable Service shall be in accordance with the FCC's rate regulations. The Grantee shall provide the Franchising Authority and the customers with the applicable notice required by the FCC before any new or modified rate, fee, charge deposit or associated term may be imposed, such notice may be provided by any means permitted under applicable law.
10.
 - A. Throughout the term of this Franchise, the Grantee shall, at its own cost and expense, maintain in effect a liability insurance policy or policies and provide the Franchising Authority certificates of insurance demonstrating that the Grantee has obtained the insurance required herein. Such policy or policies shall be issued by companies duly licensed to do business in the State of Georgia and reasonably acceptable to the Franchising Authority. Such companies must carry a rating by Best of not less than "A". Such policy or policies shall insure (i) the Grantee and (ii) the Franchising Authority and its officers, boards, commissions, councils, elected officials, agents and employees (through appropriate endorsements if necessary) against each and every form of liability of the Grantee referred to in this Franchise in the minimum combined amount of one million dollars (\$1,000,000.00) for bodily injury and property damage.
 - B. The Grantee shall ensure its compliance with the Georgia Workers' Compensation Act and shall secure insurance to cover its obligations with respect to workers' compensation claims, or take other appropriate steps, which insurance or steps shall be in form and substance reasonably satisfactory to the Franchising Authority. The Grantee shall indemnify and hold harmless the Franchising Authority from any workers' compensation claims to which the Grantee may become subject during the term of this Franchise.
11. The Grantee shall indemnify and hold harmless the Franchising Authority, its boards, commissions, officers, agents, elected officials, agents and employees at all times during the term of this Franchise from and against all claims for injury to or death of any Person or injury or damages to property, both real and personal, caused by the Grantee in the construction, operation or maintenance of any of its Cable System; provided, the Franchising Authority shall give the Grantee written notice of its obligation to indemnify within ten (10) business days of receipt of claim or action. Upon receipt of such notice, the Grantee shall defend, at its own cost and expense any action or proceeding against the Franchising Authority in which it is claimed that the injury or damage arose as a result of the Grantee's activities in the operation of its Cable System.
12. In consideration of the rights, privileges, and Franchise granted herewith and in lieu of all occupation and license taxes, Grantee shall pay to the City as a Franchise fee, five percent (5%) of its annual Gross Customer Revenue within thirty (30) days following the end of each calendar year. As used herein, the term "Gross Customer Revenue" shall mean any and all revenue actually collected by the Grantee, which is derived from the provision of Cable Service over the Cable System within the Franchise Area. "Gross Customer Revenue" shall not include bad debt nor any taxes imposed and/or assessed by law on customers (such as State sales tax) that the Grantee collects and pays in full to the applicable authorities. The Grantee shall compile and submit to the City Clerk a report of the Gross Customer Revenue and franchise fee calculations including the period covered by said report indicating amounts due hereunder.
13. No privilege, right, or exemption shall be granted or conferred under this Franchise except those specifically described herein.
14. The Franchise Authority expressly reserves the right and power to exercise the full scope of its municipal powers, including its policy power and its contracting authority, to promote the public interest and to protect the health, safety and welfare of the citizens of Walnut Grove, Georgia.
15. In the event the Grantee shall cease to use any part of the Cable System for any reason for a continuous period of twelve (12) months, or in the event the Cable System, or any part thereof, has been installed in any Public Way without complying with the requirements of this Franchise or if the rights granted hereunder have been lawfully terminated, cancelled, or have otherwise expire, the Grantee shall promptly remove from the Public Ways the Cable System, other than any part or parts of the Cable System the Franchising Authority might permit to be abandoned in place. In the event the Grantee removes the Cable System, or any part thereof, from the Public Ways, the Grantee shall promptly and properly restore the Public Ways to a condition reasonably comparable to the condition existing immediately prior to such removal and reasonably satisfactory to the Franchising Authority. Property of the Grantee to be abandoned in place shall be abandoned in such a manner as the Franchising Authority may prescribe, upon permanent abandonment of the Grantee's property, the Franchising Authority may request the Grantee submit to it an instrument transferring ownership of such property to the Franchising Authority.
16. If the Grantee fails to comply with any of the material provisions of this Franchise, or if the Grantee defaults on any of its material obligations herein, except for causes beyond the reasonable control of the Grantee, and if the Grantee fails to correct or commence correcting such default or non-compliance within thirty (30) days after

receiving written notice by certified mail from the Franchising Authority, the Franchising Authority shall have the right, after a public hearing, to declare this Franchise and the rights granted hereunder forfeited.

- 17.** Upon the request of a Customer, the Grantee shall provide, under normal operating conditions, by sale or lease, one of the following devices by which the Customer can block completely the video and audio signals of a particular Cable Service: (i) a parental control device; or (ii) a converter with a parental control feature; or (iii) a filter, trap or other method or device. The Grantee shall provide the device within a reasonable time after the request.
- 18.** This Franchise shall be for a period of seven (7) years, commencing from and after the adoption of this Franchise, unless the Franchise is renewed or is otherwise lawfully terminated in accordance with the terms hereof. Any proceedings undertaken by the Franchising Authority regarding the renewal of Grantee's Franchise shall be governed by and comply with Section 626 of the Cable Act, as amended, unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent federal or state law.
- 19.** Should any section, clause or provision of this Franchise be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of this Franchise as a whole or any part thereof, other than the part declared invalid.
- 20.** The Franchising Authority reserves the right to grant one or more additional franchises to provide Cable Services within the Franchise Area; provided, however, that if any such franchise in the opinion of the Grantee contains material terms and conditions more favorable or less burdensome to the competitive entity than the terms and conditions herein, then the Grantee shall give written notice to the Franchising Authority of the terms and conditions believed to be more favorable or less burdensome. Upon receipt of such notice, if the Franchising Authority reasonably agrees with the Grantee's assertion, then the Franchising Authority shall modify Grantee's Franchise to include or exclude such terms, so long as the Grantee agrees to modify this Franchise to include and terms or conditions more favorable to the Franchising Authority or more burdensome to the Grantee.
- 21.** Be it further ordained that the Grantee has hereto filed its written acceptance of this Franchise with the City Clerk of the City of Walnut Grove.
- 22.** Be it further ordained that all laws and ordinances in conflict herewith be and the same are hereby repealed, and this Franchise shall control.

(Adopted 12/23/97)

(Effective 12/31/00, AT&T Broadband acquired Comcast)

CHAPTER 42: HOUSE NUMBER ORDINANCE

Section

42-101 House Numbers Required



Section 42-101 House Numbers Required

1. The owner of each residence house or commercial building in the City shall place on the front of the residence/building, or on a sign in the front of the residence/building, or on a mailbox in the front of the residence/building or painted on the front curb of the residence/building, a number designated by the City.
2. Reflective Numerals shall be no less than three inches (3") in height and of a color which is readily visible from the street when placed on the front of the building.
3. Should any owner of buildings required to be numbered by this Section fail or refuse to comply with this Section, such building shall be numbered by the City and the costs thereof taxed against the owner of such building.

(Adopted 1/6/04)

CHAPTER 43: TREE PROTECTION

Section

43-101	Purpose
43-102	Tree Protection Applicability
43-103	Tree Board
43-104	Duties
43-105	Tree Protection
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43-107	Potentially Hazardous Trees
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43-110	Definitions
43-111	Exceptions
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43-116	Standards for Alternative Replacement
43-117	Appendix A—Recommended Tree List
43-118	Recommended Species List of Understory Trees
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Section 43-101 Purpose

The protection of trees promotes the health, safety and general welfare of the public, and the preservation of trees helps: preserve the City's beauty and character, purify air, moderate the local climate, reduce noise and glare, conserve energy in heating and cooling costs, prevent soil erosion, provide storm water management, enhance and stabilize property values, and contribute to the general aesthetic value of the City.

Section 43-102 Tree Protection Applicability

The City has full power and authority over all trees in street rights-of way, parks and public places of the city, and the following trees on private property:

1. Existing trees on new development sites that can reasonably be protected and saved during construction, and will after construction be on the public right-of-way,
2. Replacement trees on public right-of-way for those that were lost during construction on new development sites,
3. Existing trees or replacement trees on new development sites needed to met the standards set in the specifications for new construction and,
4. Existing or replacement trees in parking lot islands of new commercial construction sites.

Section 43-103 Tree Board

There is hereby created and established a Tree Board for the City which shall consist of 5 members. Members shall be residents of the City, provided, however, that to obtain greater expertise on the Board, the Council may appoint a person not residing in the City in consideration of such person's special expertise. The members shall be appointed by the Council and shall serve without compensation. The term of office shall be three years, except that the term of three of the members appointed to the first Board shall be for two years. If a vacancy occurs, the Council shall appoint a successor for the unexpired portion of the term. The Board shall choose its own officers and keep a journal of its proceedings, A majority of the members shall be a quorum for (he transaction of business.

Section 43-104 Duties

1. Recommend for formal Council approval a written city tree plan for the care, pruning, planting, replanting, removal or disposition of trees and shrubs along streets and in other public areas;
2. Actively provide leadership in implementing the tree plan;
3. Periodically suggest updates to the tree protection standards; and
4. Periodically suggest updates to Elie density requirements for new construction. The Board, when requested by the Council, shall investigate and make recommendations on any special matter of question coming within the scope of its duties.

Section 43-105 Tree Protection

Protective measures shall be applied to the above-ground portion and roots of protected trees within the critical root zone, as follows:

1. No person shall cut, carve, transplant, or otherwise damage or remove any tree; attach any rope, wire, nails, advertising poster, or other contrivance to any tree; allow any gaseous, liquid, or solid substance which is harmful to trees (including without limitation concrete washout, fuel, lubricants, herbicides, and/or paint) to come in contact with trees; or set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.
2. During excavation, filling, construction, or demolition operations, each protected tree or stand of protected trees shall be marked with a plastic construction area fence enclosing the critical root zone,
3. All building materials, vehicles, construction equipment, dirt debris, or other objects likely to cause soil compaction or above ground damage shall be kept outside the critical root zone. A permit must be obtained from the City before any protected tree can be removed or pruned, or trenching allowed in the Critical Root Zone.

Section 43-106 Tree Protection Plan

All new construction requiring a building or development permit from the City, will, as a part of the permitting process, require the submission of a Tree Protection Plan for all new construction projects. This plan shall meet the conditions detailed herein.

Section 43-107 Potentially Hazardous Trees

The City may remove or require the removal of any privately owned tree or portion thereof which is considered potentially hazardous to health or property of travelers on public roads or sidewalks.

Section 43-108 Cooperative Agreements

The City may enter into cooperative agreements with property owners for the purpose of protecting and maintaining newly established trees on public rights-of-way or land.

Section 43-109 Enforcement and Appeals

The Board may recommend for formal Council approval, and shall enforce, written rules, regulations, and specifications concerning the trees protected hereunder. Any person found guilty of violating any provision hereof shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each separate offense. Appeals of any decisions made by the Board regarding this Section shall be made to the Council. The appeal must be filed in writing within thirty days after the challenged decision is rendered. The Council may approve, modify, or reject the challenged decision. Appeals from decisions of the Council made hereunder may be taken to the Superior Court of Walton County in the manner provided by law from convictions for municipal code violations. In lieu of these penalties the City may elect to allow cut or damaged trees to be replaced at four (4) times the unit value of the trees removed and the site of the CRZ of the removed tree or trees shall remain pervious. All fines shall be deposited into the Tree Replacement Fund. The Board may issue written variances to approved development permits and/or requested variances after permit application and public hearing, if the variance request is in writing, the Board reviews the request and concurs, the variance request is reasonable and consistent with the spirit and intent of this section, and the following criteria are met:

1. There are extraordinary and exceptional conditions pertaining to the property because of size, soil type, shape, scarcity of trees pre-development, or topography;
2. The literal application of this Section would create practical difficulty or an unnecessary hardship;
3. A variance would not cause substantial detriment to public good or impair the purposes or intent of this Section;
4. A variance will not confer upon the property of the applicant any special privilege denied to other properties in the City;
5. The special circumstances surrounding the request for the variance are not the result of acts by the applicant;
6. The variance is not a request to permit a use of land which is not permitted by right or by conditional use in the district; and
7. The variance is the minimum variance that will make possible an economically viable use of the land.

Section 43-110

Definitions

1. **Board.** The entity that shall administer and enforce this Chapter.
2. **Arborist.** One versed in arboriculture, including tree surgery, prevention and cure of tree diseases and control of insects.
3. **Basal area.** The cross-section of area of a tree in square feet at four and one half feet from the ground.
4. **Buffer.** An area to remain undisturbed.
5. **Caliper.** Caliper inches are measured at 6 inches above the ground for trees up to 4-inch caliper and 12 inches above the ground for trees larger than 4-inch caliper.
6. **Conifer.** Any tree with needle leaves and a woody cone fruit including but not limited to, pine, juniper and cedar species.
7. **Critical Root Zone (CRZ).** Minimum area beneath a tree which must be left undisturbed to give a tree a reasonable chance of survival; typically represented by a circle centering on the tree trunk with a radius equal in feet to no less than 1.3 times the inches of the trunk diameter. The CR2 will be the drip line of the tree if it is a larger area than by the formula above.
8. **DBH.** Trunk diameter 4 ½ feet above ground level. If a tree splits into multiple trunks below 4 ½ feet, measure at its most narrow point beneath the split.
9. **Deciduous.** A tree that loses its leaves in winter.
10. **Drip Line.** Vertical line from the outermost branches of a tree to the ground.
11. **Green Space.** Area retained as permanently vegetated land.
12. **Ground Cover.** Grasses or other plants grown to keep soil intact.
13. **Hazardous Tree.** A tree that poses a potential threat to public safety.
14. **Herbicide.** An agent used to destroy or inhibit plant growth.
15. **Impervious Area.** Unsuitable for growing trees.
16. **Mulch.** Material placed on the surface around plants to retain moisture.
17. **Natural Area.** Area of natural vegetation that is generally undisturbed, not maintained, and is self-perpetuating.
18. **Overstory.** Canopy of large trees—typically includes any tree taller than thirty-five (35 feet at maturity).
19. **Parking Lot.** An impervious surface used for parking vehicles.
20. **Planting Season.** The planting season begins November 1st and ends March 31st.
21. **Pruning.** Elimination of branches from a tree to improve tree structure, enhance vigor, and/or maintain safety.
22. **Replacement Tree.** A new tree planted on site to meet minimum site density requirements.
23. **Shrub.** Woody plant consisting of several small stems from the ground or small branches near the ground.
24. **Site plan.** Plan that reflects existing and proposed conditions on a site intended for construction. This shall include but is not limited to topography, structures and/or additions, grading, drainage, erosion control measures, trees to be saved or planted to comply with the requirements hereof, best management practices, parking requirements, streets and other type improvements.
25. **Specimen Tree.** A healthy deciduous tree with a DBH of twenty (20) inches or larger. Street tree. Tree on the street right-of-way.
26. **Timber Harvest.** Harvesting timber as a timber management activity as part of a demonstrated ongoing agricultural land use.
27. **Tree Density.** Minimum number of tree density units per acre that must be achieved on a property.
28. **Tree Density Unit.** Credit assigned to a tree, based on diameter, in accordance with tables herein.
29. **Tree protection area.** Portion of a site with existing trees to be preserved; shall include the total area within the drip line.
30. **Tree Save Area.** Areas designated for tree density requirements and/or preserving natural buffers.

31. **Understory.** Tree less than thirty-five (35) feet at maturity; to be a minimum of five (5) feet tall with a caliper at least 1.5 inches.
32. **Utility Easement.** The right-of-way acquired by a utility company or government agency.

Section 43-111 Exceptions

The following tree removal shall be exempt:

1. Horticultural or silvicultural operations such as farms, nurseries, pine timber tracts or orchards.
2. By a utility company within utility easements.
3. On public rights-of-ways conducted by, or on behalf of, a governmental agency in pursuance of its lawful activities.
4. From lakes, detention ponds, and drainage easements,
5. Hazardous Trees; provided, all reasonable efforts shall be made to save specimen trees.

Section 43-112 Application Requirements

When an application is filed for a construction permit for new development, it shall include a detailed integrated Tree Protection Plan to protect and preserve trees before, during and two years after construction. It shall be a to-scale site plan with attachments, sealed by a registered surveyor, engineer, or landscape architect, It must show locations and details of the following:

1. All items found on the Erosion and Sedimentation Control Submittal checklist pertinent to normal plan review;
2. Site area (roads, utility lines, detention ponds, etc.);
3. Existing and proposed structures, paving, driveways, cut and fill areas, detention areas, etc.;
4. Phase lines or limits of construction;
5. All tree protection areas with dimensions and the devices used to mark and protect these areas identified;
6. Calculations showing compliance with the Tree Density Factor (Appendix B);
7. Utility lines and easements;
8. Boring sites for underground utilities;
9. Specimen Trees by DBH and species and whether they are to be preserved;
10. Tree save areas;
11. Permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, etc.); and
12. Additional information as required on a case-by-case basis.

The above items may be integrated into the normal application requirements and submittals. Minor additions to existing development require only a sketch showing changes to be submitted to the Board for review and approval.

Section 43-113 Minimum Tree Density for New Development

1. New Development shall maintain a minimum of twenty percent (20%) of the gross acreage in permanent green space. This area shall be shown on the site plan plat and protected from all construction disturbances. Excluded from the calculation are areas in roads, parking lots, detention ponds and utility lines. New Development shall maintain a minimum tree density average of twenty (20) tree density units per acre. The tree requirement is calculated by determining lot size and deducting the impervious area. If a new development involves an addition or modification to an existing building or structure, the City may allow up to a fifty percent (50%) reduction in the tree requirements.
2. All areas not devoted to structures, site development features, and natural vegetation shall be landscaped. The landscape plan shall include as a minimum one overstory tree (with a minimum trunk caliper of 2.5-inches at four inches from the ground) and one understory tree (with a minimum trunk caliper of 1.0-inch at four inches from the ground) for each three thousand (3,000) square feet of permanently disturbed area. There must be the necessary root zone for trees (800 sq. ft- for overstory trees and 400 sq. ft. for understory trees). There shall be one overstory street tree per sixty (60) feet of street frontage if no overhead utilities are present. If overhead utilities are present there must be one (1) understory street tree per twenty-five (25) feet of street frontage.
3. Notwithstanding the foregoing, all reasonable efforts shall be made to save Specimen trees, (Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area location, water retention location and the like). Specimen trees that cannot be saved must be "replaced" by contributing thirty dollars (\$30.00) per DBH inch to the City Tree Replacement Fund. Specimen Trees removed without prior approval shall be "replaced" by contributing sixty dollars (\$60.00) per DBH inch to the City Tree Replacement Fund.

4. The perimeter of all parking areas shall be landscaped. Curbs or wheelstops at least thirty (30) inches from the tree trunk must protect trees in and around parking areas. Parking areas for more than twenty (20) vehicles must have interior landscaped areas so no more than twelve (12) adjacent parking spaces exist without a landscaped separation at least five feet wide. All landscaped areas within parking lots shall be one hundred percent (100%) landscaped with deciduous trees, shrubs, ground cover (not requiring mowing), and/or flowers in mulched beds. Landscaped areas within and around parking lots must be large enough to provide for the health and continued growth of the vegetation. Landscaping shall not obstruct the view between twenty-four (24) inches high and sixty (60) inches high on access drives, streets or parking aisles. All landscaping shall be maintained in a healthy and aesthetically pleasing manner. It is required that assurances, acceptable to the City, be provided that watering will take place to maintain the health and vigor of the plants.

Section 43-114 Tree Protection Standards

Cleaning of equipment, storage of materials or dirt, disposal of waste material such as paint, oil solvents or other harmful substances, or any other act harmful to trees within the tree protection area, is prohibited. Prior to any grading, construction or tree removal, a Tree Protection Area for any tree within twenty-five (25) feet of any proposed disturbance must be established by physical barriers and maintained until work is completed. Any tree designated in the plan to be saved that is damaged shall be treated per accepted National Arborists Association Standards. Any Specimen Tree that dies as a result of damage shall be "replaced" by contributing to the City Tree Replacement Fund at a rate of sixty dollars (\$60.00) per DBH inch. If a tree designated in the plan to be saved becomes damaged and must be removed, the location of the tree's Critical Root Zone must remain pervious.

Section 43-115 Tree Planting Standards

Trees must be on the Tree Planting List below and free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor. Planting shall be in keeping with industry's best practices standards. No more than thirty percent (30%) of all trees planted for replacement density credit may be of any one species. All overstory trees shall be at least six (6) feet tall and have a trunk of not less than two (2) caliper inches. All understory trees shall be at least four (4) feet tall and have a trunk not less than one (1) calliper inch. The intent of these Regulations is to insure that a minimum density of trees is maintained on all developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. Two alternative methods of compliance may, at the discretion of the Board, be approved:

1. Planting at a location remote from the project site; or,
2. Contributing to the City Tree Replacement Fund.

Section 43-116 Standards for Alternative Replacement

The Board reviews all requests for alternative compliance. In no instance shall more than fifty percent (50%) of the required tree density be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question. No permit shall issue unless the Board approves the request and receives the plan meeting all applicable standards and/or funds. Replacement trees at off site locations shall be within two (2) miles of the project site. If a donation to the Tree Replacement Fund for planting trees on public property is approved, the Board shall establish the amount of the donation, The amount of the donation shall be based upon the number, size and type of trees that cannot be planted at the site. The amount shall be one hundred percent (100%) of the estimated costs of the average two bids from reputable landscape contractors licensed to do business in the City, for the materials, labor and three-year maintenance requirements of the trees.

Section 43-117 Appendix A—Recommended Tree List

1. **Recommended Species List of Overstory Trees.**
 Scientific Name - Common Name
 Acer barbatum - Southern Sugar Maple
 Acer floridanum - Florida Maple
 Acer rubrum - Red Maple.
 Acer Saccharum - Sugar Maple
 Betula Nigra - River Birch
 *Carya illinoensis - Pecan

- *Carya ovata - Shagbark Hickory
- *Castanea mollissima - Chinese Chestnut
- *Fagus grandifolia - American Beech
- Fraxinus pennsylvanica - Green Ash
- Ginkgo biloba - Ginkgo, grafted
- *Liriodendron tulipifera - Yellow-poplar
- *Magnolia grandiflora - Southern Magnolia
- *PLATANUS occidentalis - American Sycamore
- Quercus acutissima - Sawtooth Oak
- Quercus alba - White Oak
- Quercus coccinea - Scarlet Oak
- Quercus falcata - Southern Red Oak
- Quercus nigra - Water Oak
- Quercus phellos - Willow Oak
- Quercus palustris - Pin Oak
- Quercus prinus - Chestnut Oak
- Quercus shumardi - Shumard Oak
- Taxodium disticum - Bald Cypress
- Ulmus parvifolia - True Chinese Elm
- *Indicates not suitable for parking lot islands

Section 43-118 Recommended Species List of Understory Trees

- Scientific Name - Common Name
- Acer buergerianum - Trident Maple
 - Amelanchier arborea - Serviceberry
 - Carpinus caroliniana - American Hornbeam, Musclewood
 - Cercis canadensis - Eastern Redbud
 - Cercis chinensis - Chinese Redbud
 - Chionanthus virginicus - Fringe tree, Grancy Graybeard
 - Continus coggia - Common Smoketree
 - Crataegus phaenopyrum - Washington Hawthorne
 - Cupressocyparis leylandii - Leyland Cypress
 - Cryptomeria japonica - Japanese Cryptomeria
 - Halesia carolina - Silverbell
 - Ilex x attenuata - Savannah Holly
 - Ilex x decidua - Deciduous Holly
 - Ilex x Nellie R, Stevens - Nellie R. Stevens Holly
 - Ilex opaca - American Holly
 - Ilex vomitoria - Yaupon Holly
 - Koelreuteria bipinnata - Bougainville Golden Rain Tree
 - Koelreuteria paniculata - Panicked Golden Rain Tree
 - Lagerstroemia species - Crapemyrtle improved hybrids
 - Magnolia virginiana - Sweetbay Magnolia
 - Magnolia x soulangiana - Saucer Magnolia
 - Magnolia stellata - Star Magnolia
 - Malus species - Flowering Crabapple
 - Myrica cerifera - Waxmyrtle
 - Ostrya Virginia - Ironwood, Carolina Hornbeam
 - Oxydendrum aboreum - Sourwood
 - Pitachia chinensis - Chinese Pistache
 - Pyrus hybrids - Improved flowering Pear

Section 43-119

Appendix B—Tree Density Calculation

New development shall maintain a minimum tree density average of twenty (20) tree density units per acre. An assessment of the existing tree density units may be calculated either by a one hundred percent (100%) inventory or a sample employing a variable radius plot system using a calibrated factor prism. A minimum of two (2) plots per acre uniformly spaced over the area is required. Open or sparse tree areas should be included in the sampling procedure. At each plot tally each "in" tree by DBH and species. Sum the total number of trees tallied, multiply the sum by the prism factor, and divide the product by the number of plots taken. This will result in the average basal area of tree units per acre. The working papers for this assessment shall be included with the permit application.

DBH	UNITS	DBH	UNITS
2	.022	19	1.967
3	.049	20	2.182
4	.087	21	2.405
5	.136	22	2.640
6	.196	23	2.885
7	.267	24	3.142
8	.349	25	3.407
9	.442	26	3.685
10	.545	27	3.974
11	.660	28	4.273
12	.785	29	4.585
13	.922	30	4.906
14	1.069	31	5.239
15	1.227	32	5.582
16	1.396	33	5.937
17	1.576	34	6.312
18	1.767	35	6.678
		36	7.065

(Adopted 3.25.2010)

CHAPTER 44: WALTON COUNTY, GEORGIA MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN



The Walton County, Georgia Multi-jurisdictional Hazard Mitigation Plan adopted February 11, 2010, is incorporated by reference as if fully set out herein.

CHAPTER 45: ANNEXATION

Section

- 45-101 Annexation Ordinance
- 45-102 Annexation Ordinance



Section 45-101 Annexation Ordinance

1. The following property is hereby annexed into and is made a part of the City of Walton Grove, Georgia: New Walnut Grove High School, Parcel C52, 111A, Lots 196, 197, 206, 207 of the 4th Land District, 103.54+ - acres, Plat Book 101, Page 163-165, government-public use (G-PU) zoning.
2. The property is not a portion of any specified Voting District, as elections are at large.
3. Per *O.C.G.A.* §36-36-2(a), this Ordinance shall become effective for ad valorem tax purposes **December 31, 1009**, and for all other purposes on the 1st day of the month following the month in which the applicable requirements of *O.C.G.A.* Title 36, Chapter, have been met, which shall be November 1, 2009.

(Approved 9/10/2009)

Section 45-102 Annexation Ordinance

1. The following property is hereby annexed into and is made a part of the City of Walton Grove, Georgia:
 - A. Ray and Vivian Taylor (3.167 acres on the south side of old State Route 138, AG zoning and current use requested),
 - B. Victor L. Mixon and Timothy D. Warren (3.519 acres on the north side of Georgia Highway 138, C1 zoning and current use requested).
2. The property is not a portion of any specified Voting District, as elections are at large.
3. Per *O.C.G.A.* §36-36-2(a), this Ordinance shall become effective for ad valorem tax purposes December 31, 1009, and for all other purposes on the 1st day of the month following the month in which the applicable requirements of *O.C.G.A.* Title 36, Chapter, have been met, which shall be December 1, 2009.

(Approved November 12, 2009)

CHAPTER 46: FLOOD DAMAGE PREVENTION

Section

46-101	Statutory Authorization, Findings of Fact, Purpose and Objectives
46-102	General Provisions
46-103	Administration
46-104	Provisions for Flood Hazard Reduction
46-105	Variance Procedures
46-106	Definitions



Section 46-101 Statutory Authorization, Findings of Fact, Purpose and Objectives

1. Authorization
Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of Walnut Grove does ordain as follows:
2. Findings of Fact
 - A. The flood hazard areas of Walnut Grove, 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, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplain causing increases in flood heights and velocities.
3. Statement of Purpose
It is the purpose of this ordinance 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:
 - A. require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
 - B. 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;
 - C. control filling, grading, dredging and other development which may increase flood damage or erosion, and;
 - D. prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
 - E. control the alteration of natural floodplain, stream channels, and natural protective barriers, which are involved in the accommodation of floodwater.
4. Objectives
the objectives of this ordinance are:
 - A. to protect human life and health;
 - B. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplain;
 - C. to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
 - D. to minimize expenditure of public money for costly flood control projects;
 - E. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - F. to minimize prolonged business interruptions, and;
 - G. to insure that potential home buyers are notified that property is in a flood area.

Section 46-102 General Provisions

1. **Lands to Which this Ordinance Applies**
This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of Walnut Grove, Georgia.
2. **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 (IS), dated December 17, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.

For those land areas acquired by a municipality through annexation, the current effective IS dated December 17, 2010, with accompanying maps and other supporting data and any revision thereto, for Walton 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 IS.

The Repository for public inspection of the Flood Insurance Study (IS), accompanying maps and other supporting data is located at: Walnut Grove City Hall and/or Walton County Commissioners Office.

3. **Establishment of Development Permit**
A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.
4. **Compliance**
No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
5. **Abrogation and Greater Restrictions**
This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. **Interpretation**
In the interpretation and application of this ordinance 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.
7. **Warning and Disclaimer of Liability**
The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the City of Walnut Grove or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
8. **Penalties for Violation**
Failure to comply with the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1000 per day, per violation 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 City of Walnut Grove from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section 46-103

Administration

1. Designation of Ordinance Administrator
The Walton County Planning Commission is hereby appointed to administer and implement the provisions of this ordinance.
2. Permit Procedures
Application for a Development Permit shall be made to the Walton County Planning Department 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:

- A. Application Stage –
 - (1) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - (2) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
 - (3) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Section 46-104.2.B;
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;
- B. 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 flood-proofing level immediately after the lowest floor or flood proofing 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 flood proofing is utilized for non-residential 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 Walton County Planning Department 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.

3. Duties and Responsibilities of the Administrator
Duties of the Walton County Planning Department shall include, but shall not be limited to:
 - A. Review proposed development to assure that the permit requirements of this ordinance have been satisfied.
 - B. 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.
 - C. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - D. When Base Flood Elevation data or flood way data have not been provided in accordance with Section 46-102.2, then the Walton County Planning Department shall obtain, review and reasonably utilize any base flood elevation and flood way data available from a Federal, State or other sources in order to administer the provisions of Section 46-104.
 - E. 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 Section 46-103.2.B.
 - F. Verify Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Section 46-103.2.B.

- G. When flood-proofing is utilized for a structure, the Walton County Planning Department shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Sections 46-103.2.A.3 and 46-104(.2.B or 4.Be
- H. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- I. 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 (FDMA).
- J. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FDMA 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.
- K. 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 Walton County Planning Department 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 Ordinance.
- L. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Walton County Planning Department and shall be open for public inspection.

Section 46-104 Provisions for Flood Hazard Reduction

1. General Standards

In ALL Areas of Special Flood Hazard the following provisions are required:

- A. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- B. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- C. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- D. 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.
 - (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) 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;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and,
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
 - (2) So as not to violate the "Lowest Floor" criteria of this ordinance, 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
 - (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- E. All heating and air conditioning equipment and components (including ductor), 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.
- F. 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.
- G. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- H. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

- I. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- J. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

2. Specific Standards

In ALL Areas of Special Flood Hazard the following provisions are required:

- A. 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 Section 46-104.1.D, "Elevated Buildings".
 - (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.
- B. Non-Residential Construction** - New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed 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 Section 46-103.3.F.
- C. Standards for Manufactured Homes and Recreational Vehicles** - Where base flood elevation data are available:
 - (1) 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.
 - (2) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - (b) 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.
 - (3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. Section 46-104.1.F)
 - (4) All recreational vehicles placed on sites must either:
 - (a) Be on the site for fewer than 180 consecutive days.
 - (b) 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
 - (c) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Section 46-104.2.C.(1) - (3).
- D. Floodway** – Located within Areas of Special Flood Hazard established in Section 46-102.2, 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:
 - (1) 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.

- (2) ONLY if Section 46-104.2.D.1 is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 46-104.

3. 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 46-102.2, 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:

- A.** When base flood elevation data or floodway data have not been provided in accordance with Section 46-102.2, then the Walton County Planning Department 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 Section 46-104. ONLY if data are not available from these sources, then the following provisions B and C shall apply:
- B.** No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty 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.
- C.** 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 Section 46-104.1.D, "Elevated Buildings".
- D.** All heating and air conditioning equipment and components (including ductwork), 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 Walton County Planning Department shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

4. 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 46-102.2, where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

- A.** 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.
- B.** New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 46-104.2.

5. Standards for Areas of Shallow Flooding (AO Zones) -

Areas of Special Flood Hazard established in Article 2, Section B, 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:

- A.** 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 flood waters shall be provided in accordance with standards of Section 46-104.1.D, "Elevated Buildings".

The Walton County Planning Department shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- B. New construction or the substantial improvement of a non-residential structure may be flood-proofed 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 Section 46-103.2.A.(3).
 - C. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
6. 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;

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.

7. 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.

Section 46-105 Variance Procedures

- 1. The Walnut Grove Mayor and Council shall hear and decide requests for appeals or variance from the requirements of this ordinance.
- 2. The Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Walton County Planning Department in the enforcement or administration of this ordinance.
- 3. Any person aggrieved by the decision of the Mayor and Council may appeal such decision to the Superior Court of Walton County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
- 4. 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.
- 5. 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.
- 6. Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- 7. In reviewing such requests, the Mayor and Council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- 8. Conditions for Variances:
 - A. A variance shall be issued ONLY when there is:
 - (1) Is a finding of good and sufficient cause,
 - (2) a determination that failure to grant the variance would result in exceptional hardship, and;
 - (3) 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.

- B. The provisions of this Ordinance 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.
 - C. 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.
 - D. The Walton County Planning Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
9. Upon consideration of the factors listed above and the purposes of this ordinance, the Walton County Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Section 46-106 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- 1. "Accessory Structure" means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.
- 2. "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".
- 3. "Appeal" means a request for a review of the Walton County Planning Commission's interpretation of any provision of this ordinance.
- 4. "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.
- 5. "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 46-102.2.
- 6. "Base flood," means the flood having a one percent chance of being equaled or exceeded in any given year.
- 7. "Base Flood Elevation (BFE)" 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.
- 8. "Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.
- 9. "Building," means any structure built for support, shelter, or enclosure for any occupancy or storage.
- 10. "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:
 - A. structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
 - B. 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;
 - C. emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
 - D. generating plants, and other principal points of utility lines.
- 11. "Development" means 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, and storage of materials or equipment.
- 12. "Elevated building" means a non-basement 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.

13. "Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before December 17, 2010.
14. "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 December 17, 2010.
15. "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.
16. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - A. the overflow of inland or tidal waters; or
 - B. the unusual and rapid accumulation or runoff of surface waters from any source.
17. "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.
18. "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.
19. "Flood Insurance Study" the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.
20. "Floodplain" means any land area susceptible to flooding.
21. "Flood proofing," means any combination of structural and non-structural 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.
22. "Flood way" 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.
23. "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 flood way conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
24. "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.
25. "Historic Structure" means any structure that is;
 - A. 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:
 - B. 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:
 - C. 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
 - D. 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.
26. "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.
27. "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.
28. "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.

29. "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.
30. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
31. "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after December 17, 2010 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after December 9, 2010 and includes any subsequent improvements to such structures.
32. "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 December 9, 2010.
33. "North American Vertical Datum (NAVD)" has replaced the National Geodetic Vertical Datum of 1929 in existing and future FDMA Flood Modernization Maps.
34. "Recreational vehicle" means a vehicle, which is:
 - A. built on a single chassis;
 - B. 400 square feet or less when measured at the largest horizontal projection;
 - C. designed to be self-propelled or permanently towable by a light duty truck; and
 - D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
35. "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.
36. "Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.
37. "Subdivision" the division of a single lot into two or more lots for the purpose of sale or development.
38. "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 fifty (50) percent of the market value of the structure before the damage occurred.
39. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (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".

40. "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.
41. "Variance" is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance.
42. "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 ordinance is presumed to be in violation until such time as that documentation is provided.

(Adopted 11/11/2010)

CHAPTER 47: VACANT PROPERTY REGISTRATION

Section

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Section 47-101 Purpose and Findings

1. Within the city there are buildings and structures that are vacant and pose a danger to the citizens. Vacant structures are vulnerable to break-ins, criminal activity, destruction, fire, accidents, looting, and other unsafe activities that are injurious to the health, safety and welfare.
2. In addition, vacant structures can adversely affect the aesthetic and economic attributes of cities. Vacant structures can attract and/or cause blight and other harmful effects through lack of adequate maintenance and security.
3. City officials often have difficulty locating the party responsible for the condition of vacant structures, it is in the best interest of its citizens to impose registration requirements on such properties located within the city.
4. Per the authority granted to the city by its Charter, the code of Georgia, and its general police powers, it is in the best interest of its citizens to impose requirements for the registration of vacant structures and to ensure such properties are made safe and secure so as to protect the citizens.

Section 47-102 Definitions

The following terms shall have the meanings set out herein:

1. "Code Enforcement" means the officer duly appointed by the governing authority of the city to enforce the ordinances of the city and who is authorized by this article to exercise the powers prescribed by this article or any agent of such officer.
2. "Days" means consecutive calendar days.
3. "Foreclosure" means the process under Title 44, Article VI I of the Georgia Code whereby a holder of a mortgage enforces its secured rights in Property and takes title to the Property to satisfy the underlying mortgage debt.
4. "Multi-Unit Structure" means a building or structure where two or more businesses exist that operate under one certificate of occupancy.
5. "Municipal Court" means the Municipal Court of Walnut Grove.
6. "Owner" means any Person having a legal or equitable interest in the Property; recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate or any such person, and the executor or administrator of the estate of such person if ordered to take possession of the Property by a court.
7. "Person" means any person, agent, operator, firm, partnership, corporation, LLC, LLLP, trust or other legal entity.
8. "Property" means any residential or commercial real property or portion thereof, situated in the city limits of Walnut Grove, including any buildings or structures located thereon, regardless of condition.
9. "Structure" means any building, dwelling, or other improvement or part thereof used and occupied for residential, commercial, industrial or other uses, or intended to be so used, including any outhouses and appurtenances belonging thereto and usually enjoyed therewith.
10. "Vacant Structure" means any Structure that is abandoned or unoccupied for a period of sixty (60) days or more, except during a period of construction, renovation or demolition. For multi-family, such as but not limited to

residential duplexes and apartment buildings, and Multi-Unit Structures, the Structure is deemed vacant if it is more than 50% unoccupied for a period of sixty (60) days or more.

11. "Vacant Structure Plan" means a specific written document prepared by the Property Owner regarding the Vacant Structure and the Owner's plan and timeline for its rehabilitation, maintenance or demolition. The plan shall be submitted as part of the registration process.

Section 47-103 Applicability

1. The requirements of this section shall be applicable to each Owner of Property in the City limits on which any Vacant Structure is located, including properties that have been the subject of a Foreclosure, unless:
 - A. The Structure is the subject of an active building permit for repair, rehabilitation, or demolition; and
 - B. The Owner is proceeding diligently in good faith to complete the repair, rehabilitation, or demolition.
2. Properties subject to this chapter shall remain under the annual registration requirement and the security and maintenance standards of this section as long as they remain vacant. This registration must be renewed at the end of each year if the Structure on the Property is still vacant.

Section 47-104 Registration of Vacant Structures

All Vacant Structures located within the City shall be registered with the City Code Enforcement Office. Registration requires submission of a completed registration application and a Vacant Structure Plan: completion of necessary inspections; and receipt of all necessary fees.

1. Any Owner of Property on which a Vacant Structure is located whose ownership predates the Effective Date of this Ordinance shall register the Vacant Structure with the City within thirty (30) days after the City provides written notice of the existence of a Vacant Structure.
2. Within thirty (30) days of the effective date of the transfer of title to any Property with a Vacant Structure located thereon, whether such transfer is by sale, gift, foreclosure, or other transfer, whether voluntary or involuntary, the new owner shall register the Property with the City.
3. The registration requirements of this Ordinance shall be satisfied by providing the City with the following information on an authorized registration application form provided by the City:
 - A. Name, direct street address (P.O. Boxes are insufficient), e-mail address, and telephone number of the Owner. For purposes of this section, the following requirements shall apply dependent on the nature of the owner:
 - (1) If the owner is a corporation, the registration application shall provide the names and residence addresses of all officers of the corporation;
 - (2) If an estate, the name and business address of the executor or administrator of the estate;
 - (3) If a trust, the name and address of the trustee;
 - (4) If a partnership, the names and residence addresses of the general partner;
 - (5) If an LLC, the names of all members and the Managing member;
 - (6) If a natural person, the name and residence address of that individual.
 - B. If the Property is managed, maintained, or operated by a third-party property management company or agent, the name, address, e-mail address, and telephone number of the staff of any property management company or property preservation company, or of the agent or representative of the owner who is responsible for the security, maintenance, and marketing of the property.
 - C. Street address of the structure;
 - D. Legal description and tax parcel identification number of the Property on which the Structure is situated;
 - E. Date on which the structure became vacant;
 - F. Vacant Structure Plan;
 - G. An annual registration fee in the amount set forth herein shall be paid to the City at the time of registration. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due. Fees will not be prorated.
 - H. Any Owner that has registered a Property under this chapter must report any change of information contained in the registration application to the City within 30 days of the change. Such notice shall include the name and address of any buyer of the Property. No fee shall be due for this registration update if it is submitted within the 30 days and the registration is current.

Section 47-105 Vacant Structure Plan

1. At the time a Vacant Structure is registered as required above, the Owner shall submit to the Office of Code Enforcement a Vacant Structure Plan. The plan shall include at least the following:
 - A. The length of time the Owner expects the vacancy to continue.
 - B. The proposed rehabilitation or improvements to be made to the Structure so as to make the Structure suitable for its intended use.
 - C. A form in which the Owner grants permission to the Office of Code Enforcement or its designee to enter and inspect the property.
 - D. A description of what will be done to secure the structure so that it will not become open to the general public.
 - E. A plan of action to secure, monitor and maintain the Structure and premises thereof in conformance with this chapter.
 - F. Any subsequent Owner is subject to the terms of the Plan as long as the Structure remains vacant, unless the City grants relief from same.

Section 47-106 Inspections and Maintenance

1. At the time the Owner submits a registration application, at the time of renewal registration, and at any other time that the City deems necessary, the City may perform an inspection of the Property and any Vacant Structures thereon. One of the purposes of the inspections is to ensure that the Vacant Structure is properly maintained in accordance with the standards set forth herein. A Vacant Structure shall be maintained in compliance with this Chapter of the City Code.
2. Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons or animals. A Vacant Structure that is open to the general public by casual entry may constitute a public nuisance and is subject to abatement as provided in City Code.
3. To erect, install, place or maintain boards over the doors, windows, or other openings of any Vacant Structure or to otherwise secure the openings of a Structure by other than the conventional method used in the original construction and design of the Structure, the Owner or his agent or representative must first obtain a valid boarding permit in compliance with the City Code.
4. Adherence to this section does not relieve the Owner or any other party of any applicable obligations set forth in any other ordinances, or in covenant conditions and restrictions, and/or in homeowners association's rules and regulations.
5. A Vacant Structure shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
6. Any accessories or appurtenant structures on the Property, including but not limited to garages, sheds or other storage facilities, shall meet the same standards.
7. At any time the City requires, the Owner shall permit inspections of the property in order to determine that a Vacant Structure will support entry by police and/or fire personnel in cases of emergency.
8. The City is hereby authorized to collect a fee to offset the cost of inspections. The fee for inspections is set forth in the schedule of fees.

Section 47-107 Maintenance of Vacant Structures and Enforcement of Maintenance

1. Should the Owner fail to register a Vacant Structure, update or renew a registration, allow inspections, submit a Vacant Structure Plan, comply with such plan after it has been approved by Code Enforcement, or pay required fees. Code Enforcement may issue a citation and summons setting a hearing in Municipal Court. All persons found guilty are subject to the penalties set forth in Section 1-108.
2. If the Owner fails to appear at said hearing, Code Enforcement is authorized to proceed to secure the Structure so that it will not become open to the general public. The amount of the cost of such work may be assessed against the Property Owner upon whose premises the work is done, and the City shall have the right to cite the Owner for being in violation of this section and to fine the Owner, per the Charter.
3. Lien. If any assessment made against the Property of an Owner remains unpaid for 30 days after being assessed and after notice and opportunity for a hearing being given in conformity with this section, the amount shall then become a lien upon the Property and be enforceable upon the Property in the same manner as provided for the collection of unpaid ad valorem taxes.

Section 47-108 Fees

1. Fee Structure. The City is authorized to collect fees to offset the cost of reviewing and approving the registration application and Vacant Structure Plan and to conduct inspections. The registration fee for each property is \$100. The inspection fee is \$150 per inspection.

Section 47-109 Appeal

Any Person aggrieved by the refusal of Code Enforcement to approve a Vacant Structure Plan, or by the revocation of registration after approval, may appeal the denial or revocation by filing with the city clerk's office, with in ten working days after the date of the denial or revocation, a written notice of the appeal setting forth the grounds therefore. The city council shall act upon the appeal within 30 business days after its receipt by either affirming the decision of the code enforcement official or overturning the decision of the code enforcement official, with or without conditions.

(Adopted 3/10/2011)

CHAPTER 48: SUNDAY ALCOHOL SALES

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ARTICLE I. GENERAL

Section 48-101 Definitions.

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

1. *Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.
2. *Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.
3. *City* means the mayor and council, or alternatively, where the context demands such, the area in Walnut Grove.
4. *Church* means a building primarily used for public religious worship on a regular basis.
5. *Distilled spirits* means alcohol obtained by distillation or more than 21 percent alcohol, including but not limited to all fortified wines.
6. *Fortified wine* means any alcohol more than 21 percent alcohol made from fruits, berries or grapes, by natural fermentation or by natural fermentation with brandy added. The term includes but is not limited to brandy.
7. *Governing authority or city* means the mayor and city council, provided , however, where the context demands such, city means the geographical area within incorporated Walnut Grove, Georgia.
8. *License* in Article II means authorization to sell alcohol by the package not for consumption on the premises.
9. *Licensee* in Article II means any person selling, at retail, any alcohol in unbroken packages not for consumption on the premises.
10. *License* in Article III means the authorization to engage in the sale of alcohol for consumption on the premises.
11. *Licensee* in Article III means any person engaged in selling , at retail, any alcohol for consumption on the premises.
12. *Lounge* means a separate room where alcoholic beverages are served by the drink connected with or adjacent to a restaurant. No lounges shall be permitted.
13. *Malt beverage* means any alcohol obtained by fermentation of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.
14. *Package* means a bottle, can, keg, barrel or other original consumer container.

15. *Permit* means the authorization for a wholesaler or wholesale distributor for wholesale sales of alcohol to retail licensees.
16. *Place of business* means the premises described in a license issued pursuant to this chapter.
17. *Premises* means the location where a licensee is authorized to sell alcoholic beverages.
18. *Restaurant* means any place held out to the public where meals are actually and regularly served, without sleeping accommodations. Such place shall be air-conditioned and contain adequate and sanitary kitchen and dining equipment and seating capacity for at least 40 people, and have sufficient employees to cook and serve food for its patrons. At least one meal per day shall be served at least 4 days a week, except holidays, vacations and periods of redecorating. Serving of such meals shall be the principal business, with the serving of alcohol consumed on the premises as only incidental to such business. A restaurant shall derive at least 60 percent of its total annual gross food and beverages sales from the sale of prepared meals or prepared food and shall have food sales in excess of \$150,000 per year.
19. *School* means building used for teaching and includes below the first grade usually serving pupils of the four to six age group and fostering their natural growth and social development through constructive play, including pre-K and kindergarten.
20. *Wholesaler or wholesale distributor* means distributor or seller to retailers for resale any alcoholic beverage.
21. *Wine* means any alcohol containing not more than 21 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point when it conforms to the definition of wine contained in this section.

Section 48-102 Posting of Warning in Licensee's Establishment.

A licensee under this chapter shall post in a conspicuous place in his establishment a sign in letters at least four inches high reading: "SALE OF ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE STRICTLY PROHIBITED." The licensee shall also post in a conspicuous place in the licensed premises a sign in letters at least four inches high reading: "WARNING, DRINKING ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS."

ARTICLE II. DISTILLED SPIRITS; BEER AND WINE: PACKAGE SALES

Section 48-201 Off-premises consumption.

Alcohol under this Article will be for consumption only off the premises of the licensee.

Section 48-202 Licensee Qualifications.

1. No license shall be granted unless such person is at least 25 years and has been a resident of the state for a minimum of one year prior to filing an application. If a corporation or LLC should be an applicant, it shall designate a person responsible for all matters regarding the business.
2. No official or employee or member of the city shall be eligible for a distilled spirits license; however, any nonprofit corporation whose earnings are purely civic and for community purposes may be organized or owned by or operated by members of the city, and/or by officials or employees of the city as the case may be.
3. Per O.C.G.A. §3-3-21, no license shall be granted to any person unless the entire business premises of the proposed location is situated beyond 100 yards from the property line of any church (no such restriction for beer/wine only sellers) or of any housing authority property and beyond 200 yards from the property line of any school ground or college campus (100 yards for beer/wine only sellers) and not less than 100 yards from any building used as an alcohol rehabilitation center. The distance shall be measured by most direct route of travel on the ground. Each application license shall include a scale drawing of the location of the proposed premises showing distance to nearest church, (no such restriction for beer/wine only sellers), housing authority property, school and alcohol rehabilitation center or a certificate of a registered surveyor that such location complies with this section.
4. A separate license shall be required for each place of business.
5. No license shall be issued unless the building is complete and detailed plans of the building and outside premises are attached to the application, unless proposed plans and specifications and a building permit of a proposed building comply with all ordinances of the city, all regulations of the state revenue commissioner, and all the laws

of the state. The proposed building shall also be subject to final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so the building and the premises on all sides shall be readily visible at all times from the street. The lighting shall illuminate the inside retail area and all the outside premises. Each applicant shall attach evidence of ownership or a copy of the lease if the applicant is leasing.

6. The licensee shall not have been convicted of or pled nolo to a felony or a misdemeanor involving moral turpitude within ten years of the date of application. As to entity applicants, including without limitation LLC's corporations, and partnerships, the foregoing requirements, regarding no such convictions, apply to any owners who own a 20 percent or more interest in the entity. All such owners, and all applicant's managers, shall furnish picture ID and a complete set of fingerprints for state and federal law enforcement background check. The manager(s) shall also submit a complete set of fingerprints and will be photographed by the City.
7. The licensee shall be responsible for the management and operation of the business for which the license is granted.
8. The applicant shall make a sworn statement of his qualifications according to this section and shall place the statement on file with the city clerk before any license is issued.
9. If the application covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements of these qualifications.
10. If the application covers a corporation or LLC, the manager of the proposed licensed premises must be qualified to obtain a license and must make sworn statements of these qualifications. A corporate license applicant shall appoint and designate to the city an agent authorized to receive service of process under state law. If no such designation is made, the city may serve or notify the applicant or license holder at any address of the applicant or license holder known to the city.
11. The city, in its reasonable discretion, may objectively consider any and all relevant circumstances regarding location history and proximity to residential which may reflect favorably or unfavorably on the applicant, the application or the proposed location of the business. If in its reasonable judgment circumstances are such that the granting, suspension or revocation of the license would or would not be in the best interest of the general public, such circumstances may be grounds for the decision of the city.
12. Any misstatement or concealment shall be grounds for revocation and make the applicant liable to prosecution for perjury.
13. When the city shall deny an application, the applicant shall have ten days following the date of notice of the denial to request a hearing before the city. The applicant shall be entitled at such a hearing to present evidence and cross examine opposing witnesses.

Section 48-203 Application for a Package Sales License.

Application (which for distilled spirits includes permission to sell malt beverages and wine as well) shall be made on forms furnished by the city as follows:

1. All applications shall be presented in person.
2. Each applicant shall attach a completed application for a state license. Upon applicant's receipt of the state license, it shall be promptly forwarded to the city.
3. Per O.C.G.A. §3-3-2(c), applicant shall furnish a complete set of fingerprints for search of the files of the Georgia Crime Information Center and the National Crime Information Center for any instance of criminal activity during the last 10 years.
4. Before any license is granted, the applicant must post with the city a performance bond with an insurance company as surety. This bond shall require the faithful observance and performance by the licensee of the rules and regulations in this article. Upon the violation of this article, the amount of bond to be forfeited will be determined by the seriousness of the violations as determined by the city. The bond is to be approved by the city and shall be properly executed. The bond is to be in the amount of \$100.00 for a wholesale license and \$2,500.00 for a retail license (\$1000 for beer and wine only).
5. A license shall be valid only for the calendar year on the license, and not renewed. A licensee who desires to continue in business must make a new application for next year by December 15 of the present year. The prior year's application may be used, with complete supplementation addressing any and all changed circumstances. The accuracy of the original application and any supplemental information shall be certified under oath.

Section 48-204 License Fee.

The annual fee for a new distilled spirits license shall be \$ 2,400 (\$500 for beer and wine only) and shall be paid prior to the issuance of any license and shall be cash or a bank certified check. All licenses shall expire on December 31 of the year for which they were granted. No license fee shall be prorated. *(Amended 10/11/2012)*

Each new licensee shall complete an alcohol training class approved by the City, after careful investigation of the proposed program and test by the City, within six months of license approval. Every person working on a licensee's premises who may ever provide alcohol to a customer shall complete an alcohol training class, approved by the City after careful investigation of the proposed program, and test by the City of Walnut Grove, within 6 months of license approval, and within 6 months of a new employee's hiring date and renew such every 3 years. Licensee shall supply proof of such at the time of permit application. Failure to timely present such proof shall be cause for a determination by the mayor and council of noncompliance and suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance.

Section 48-205 Licensee Regulations.

No licensee, nor any agent or employee of the licensee, nor any other person shall do any of the following upon the licensed premises:

1. Sell or deliver any alcohol to any person except in the licensee's place of business.
2. Furnish, sell or offer for sale any alcohol any alcohol before 12:30 on Sundays or after 11 p.m. on Sundays nor shall there be any sales whatsoever on Easter Sunday or on Christmas Day. *(Amended 4/11/2012, 10/11/2012)*
3. Sell or possess for sale any alcohol where such person does not have a license to sell or possess for sale.
4. Receive alcohol at the premises from other than by a wholesale dealer with a permit granted by the city.
5. Knowingly and intentionally offer for sale, sell, barter, exchange, give, provide or furnish alcohol to any person confined in any jail, penal institution, correctional facility, prison camp, penitentiary or other lawful place of confinement, or to any person who is a patient or inmate of the Central State Hospital, or to any person who is noticeably intoxicated, or who is of unsound mind, or is an habitual drunkard whose intemperate habits are known to the licensee.
6. Fail to post in a conspicuous place in the licensed premises the signs required by section 48-102.
7. Fail to maintain on the licensed premises at all times a telephone in good working order.
8. Knowingly allow any person with a criminal record for violence or disorder to frequent or loiter on the premises.
9. Knowingly allow any person to frequent the licensee's premises for the purpose of soliciting prostitution.
10. Fail to report to the police at the earliest possible time any known incident of a criminal nature. It shall be unlawful for any licensee to willfully withhold from the police any information pertaining to any crime on the premises.
11. Knowingly allow any criminal act to be committed on the premises.

Section 48-206 Limitations.

1. Reserved.
2. All licensees shall sell or offer to sell in the original unbroken package only and shall sell no package less than half pint.
3. No distilled spirits licensee shall keep in stock, display, sell or offer to sell at any place of business licensed under this article any other product or commodity except the following:
 - A. Wines, when properly licensed;
 - B. Malt beverages, when properly licensed;
 - C. Nonalcoholic beverages commonly used to dilute distilled spirits;
 - D. Tobacco products;
 - E. Ice, to be sold in sealed containers only and not to be opened on the premises;
 - F. Paper, Styrofoam or plastic cups; and
 - G. Distilled spirits, if licensed for such.

Beverages containing no alcohol and commonly used to dilute distilled spirits may be dispensed through the use of vending machines, but no alcohol shall be dispensed through such vending machines. *(Amended 10/11/2013)*

4. No licensee shall keep any alcohol in any bonded or other type warehouse in the city, nor enter into any type of arrangement whereby alcohol is stored by any wholesaler. A licensee shall keep no inventory or stock of alcohol at any place except the licensed place of business and the licensed place of business storage space for distilled spirits shall be immediately adjacent to the distilled spirits display area. *(Amended 10/11/2012)*

Section 48-207 Display of License.

Licenses shall be displayed prominently at all times on the premises.

Section 48-208 Wholesale Permits.

Any wholesale distributor licensed by the state or the agent of such licensed wholesale distributor may be granted a permit from the city to distribute in the city upon making application for such permit to the city clerk and upon the presentation of evidence satisfactory to the city that the applicant understands and will comply fully with all terms and conditions and provisions of this article, and upon payment of an annual fee of \$100.00.

Section 48-209 Taxes.

1. There is levied an excise tax per state law.
2. Each wholesale distributor shall furnish to the city a summary of all purchase invoices sold to each retailer in the city by the 20th day of each month following such purchases. This shall show the amount of excise tax paid.

Section 48-210 Financial Responsibility.

All applicants for a license must show financial responsibility. Selling alcoholic beverages is a privilege, not a right, and financial responsibility requirements are reasonable. All applicants shall, at the time of application and periodically thereafter, upon request of the City, submit to the City Clerk or designee, evidence of financial responsibility. The evidence or certification shall include without limitation:

1. Financial statements and other proof of the finances of the business, which may be provided at the business for confidentiality reasons, the review to be at the licensee's expense, and/or a sworn certification from applicant's CPA, CEO, CFO, or owner that the licensee is a viable going concern, being operated in a fiscally responsible manner, which maintains reasonable reserves and maintains and follows a responsible business plan, and that the licensee is therefore "financially responsible" and meets that requirement of the City of Walnut Grove alcohol regulations.
2. Proof of liability insurance coverage in the amount of no less than \$1,000,000 per occurrence, \$2,000,000 aggregate with a company listed on the U .S. Treasury Circular 570;
3. A \$2,500.00 performance bond with an insurance company as surety, approved by the City and properly executed, requiring the faithful observance and performance by the licensee of the rules and regulations in this ordinance.
4. Proof the applicant is the owner or lessee of the business (a fully executed deed in recordable form or a copy of the lease);
5. An affidavit from applicant that it has adequate financial participation in the business to direct and manage its affairs, and is not a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever, and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met;
6. Payment of the applicable license fee;
7. For distilled spirits, proof upon request of a minimum of \$50,000.00 stock of the types of alcohol typically sold, to prevent undercapitalized businesses and to demonstrate the financial viability of the business, which shall be subject to inventory audit at the end of each month, and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met *(Amended 10/11/2012)*;
8. Certified copies of the sales and use tax monthly reports filed with the state department of revenue for each month during the prior year (presentation of such, including with totals for the year, to the City Clerk or designee at the business shall be deemed lawful compliance with any report filing requirement in this article), and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met;

9. An affidavit certifying that all state and local excise taxes were charged and paid the prior year, and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met;
10. Written acknowledgment that the City shall have the right to subpoena all or any part of the records, books, documents, reports or invoices of the applicant for auditing the records of such applicant or licensee, securing compliance by such licensee with the provisions of this ordinance, proving or disproving violation of any part of this ordinance by any licensee, or to show payment or nonpayment of any taxes, fees, charges or the like due hereunder. If the City has a reasonable suspicion that an affidavit/certification is inaccurate, it may insist upon and be entitled to tender of the actual backup documentation.

Section 48-211 Transferability.

1. Except as otherwise stated, no license shall be transferable to any person or location; if a licensed business is sold or closed, licensee shall immediately surrender the license. Under no circumstances will the license fee be refunded.
2. No license shall be transferred during the year in which the license was obtained except in the case of death. In such a case, the executor or administrator may continue to operate for up to six months.
3. Upon the sale of any licensed business, the new owner may operate under the old license, but in no event for longer than 60 days or until his application is granted or denied, whichever shall first occur.
4. All holders of licenses shall, within six months, open for business the establishment referred to in the license. Failure to open within six months shall serve as a forfeiture of the unused license, and no refund of the license fee shall be made.

Section 48-212 Inspections.

The business shall be open to inspection at all times by officers or officials authorized to conduct such inspections.

Section 48-213 Gambling.

There shall be no gambling, betting, games of chance, punch boards, slot machines, lotteries, tickets or chances therein or any schemes for hazarding money or any other thing of value, or in any adjoining room owned, leased or controlled by licensee; however, the sale of Georgia lottery tickets in compliance with O.C.G.A. §50-27-1 et seq. is permitted.

Section 48-214 Compliance with Laws.

Each licensee shall comply with all laws, and all rules and regulations of the state revenue commissioner; any violation shall subject the licensee to suspension or revocation and also may subject the licensee to criminal prosecution.

Section 48-215 Sales to Minors.

1. "Minor" shall mean any person under the age of 21 years, or as defined in O.C.G.A. §3-3-23 or by other state laws.
2. It shall be unlawful for a minor to attempt to purchase, or for any other person to purchase alcohol, for a minor.
3. It shall be unlawful for a minor to exhibit fake, forged or borrowed ID to obtain alcohol.
4. No person shall make or permit to be made any sale of alcohol to minors. Upon violation, the licensee shall generally be treated as follows: upon a first offense by the licensee, a suspension for 7 consecutive days of sales of alcoholic beverages; proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, such proof to be provided to the City Council within 75 days of the first day of the suspension of the license; a \$500 civil penalty; and on the first day of the suspension, the posting at the premise's entrance of a sign notifying patrons of the nature and length of the suspension. Upon a second offense by the licensee, within three years of a prior offense, a suspension of 60 consecutive days of sales of alcoholic beverages; proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, such proof to be provided to the City Council within 75 days of the first day of the suspension of the license; a \$1,000 civil penalty; removal of all alcoholic beverages from the premises; on the first day of the suspension, the posting at the premise's entrance of a sign notifying patrons of the nature and length of the suspension; and probationary status for one year. Upon a third offense within three years, by the licensee, the license shall be revoked for a period of one full year.

5. Upon receipt of letter of notification of penalty, licensee has ten (10) days to file a written request for a hearing to appeal the fine, suspension, attendance at an approved alcohol awareness class, and/or the starting date of suspension of sales.
6. If no written request for a hearing is filed within ten (10) days of receipt of notification of penalty letter, the fine and suspension will begin on the eleventh day after the receipt of the notification of penalty letter unless the eleventh (11th) day is a Saturday, in which case the suspension will begin on the next day of the establishment's operation during which alcoholic beverages would normally be available. Additionally, proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, to be provided to the City Council within 75 days of the receipt of the notification of penalty. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and a suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance.
7. Schedule if Appeal Hearing Conducted: the fine and/or suspension will commence within five (5) days thereafter, on a date set at the appeal hearing by the Mayor and City Council. Proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, such proof to be provided to the City Council within 75 days after the hearing. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and a suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance.

Section 48-216 Violations.

Any person violating this article shall, upon conviction, be punished as provided in City Code. In addition, such violation may be a cause for revocation or suspension of the license of a licensee by the city.

Section 48-217 Suspension or Revocation of License.

1. Any license issued under this article shall be subject to suspension or revocation upon any of the following grounds:
 - A. The making of any false statements on an application for a license;
 - B. A violation of the regulations in this article and/or the laws of the United States and/or the state and/or the city;
 - C. The failure to have the financial responsibility upon which issuance of the license was conditioned;
 - D. Default in any obligation, of any kind whatsoever, lawfully owing to the city;
 - E. Suspension or revocation of a state license;
 - F. Any violation of this article; or
 - G. Any other legal and sufficient cause.
2. Any action taken by the city to suspend or revoke a license shall not preclude and may be in addition to any criminal prosecution by a proper authority as provided by the laws and/or ordinances of the city, the state and/or the United States. Whenever any action is taken by the city to suspend or revoke any license, the city shall provide written notice to the licensee of the action taken. The notice shall set forth the reasons for such action. The licensee shall have ten days following notification of such action to request a hearing before the city. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.

Section 48-218 Production of Records.

In conjunction with any license or the revocation, suspension or cancellation of any license or the hearings or payment or nonpayment of any excise tax levied or to be collected under this article, the city shall have the right to subpoena all or any part of the records, books, documents, reports or invoices of any applicant or licensee. This shall be for auditing the records of such applicant or licensee, securing compliance by such licensee with the provisions of this article, proving or disproving violation of any part of this article, or to show payment or nonpayment of any taxes, fees, charges or the like.

Section 48-219 Conditions of Premises.

1. All premises used for the sale of alcohol and/or for the storage of alcohol shall be kept in a sanitary condition and shall be kept in full compliance with the regulations of the county health department.

2. All premises shall be subject to inspection by the health department, the fire department, the building inspector, and any authorized law enforcement officers to determine if the premises are in compliance with all rules, regulations, laws and codes.

Section 48-220 Incorporation of State Law.

The state laws and/or regulations relating to the sale and/or distribution of alcohol within the state are incorporated in and made a part of this article as if fully set out in this article.

Section 48-221 Employees.

1. Every licensee shall maintain at all times on the premises a list of all persons employed, which shall show the full legal name, alias, date of birth, current address, current home telephone number, and social security number of each employee.
2. The employee list shall be available during reasonable hours for inspection by any law enforcement officer or official or his designee. If so required by such person, an employee must submit to a fingerprint identification and criminal history check.
3. No minors shall be employed in any capacity. However, persons under 18 employed in supermarkets and drugstores may sell or handle malt beverages and wine.
4. The licensee shall not employ any person who in the last 10 years has been convicted of a felony or misdemeanor involving moral turpitude.

Section 48-222 Copy of Article.

Licensees shall keep a copy of this article on the licensed premises and instruct any person working there to read and follow this article, and all persons selling alcohol shall at all times shall be familiar with the terms of this article. The licensee shall be held responsible for any acts of his employees. Each new licensee shall complete an alcohol training class, approved by the city after careful investigation of the proposed program and test, within 6 months of license approval. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and a suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance. Every person working on a licensee's premises who may ever provide alcohol to a customer shall complete an alcohol training class, approved by the city after careful investigation of the proposed program and test, within 6 months of license approval, and within 6 months of a new employee's hiring date and renew such every 3 years. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance. Licensee shall supply proof at the time of permit application.

Section 48-223 Prohibited Sales.

No licensee shall furnish, sell or offer to sell any alcohol to any person in any jail or other lawful place of confinement, or to any person who is a patient or inmate of the Central State Hospital, or to any person who is noticeably intoxicated, or is of unsound mind, or is an habitual drunkard whose intemperate habits are known to the licensee or his agent or employee.

Section 48-224 Contraband.

All malt beverages and/or wine owned or possessed contrary to the provisions of this article are declared to be contraband and shall be seized by the proper authorities. *(Amended 10/11/2012)*

ARTICLE III. POURING LICENSES FOR ALCOHOLIC BEVERAGES

Section 48-301 Unlawful Sales without License.

As used in this article, defined words shall have the meanings specified unless the context in which the word or term is used clearly requires that a different meaning be used. It shall be unlawful for any person to sell or offer to sell any alcoholic beverages for consumption on the premises without first complying with the regulations in this article. The

business of selling or otherwise dealing in or possessing alcoholic beverages is declared to be a privilege, not a right, and such privilege shall not be exercised in the City except as licensed under the terms of this article.

Section 48-302 Applications.

No alcoholic beverages shall be sold by the drink for consumption on the premises except under a license granted by the city. Application for an Alcohol (distilled spirits, beer, malt beverages, wine, and fortified wine) or Beer and Wine pouring license may be made only on behalf of restaurants located within the City, and shall be made on forms provided by the city, subject to the following requirements:

1. A pouring license shall be valid only for the calendar year indicated thereon and not renewed. A licensee who desires to continue in business must make a new application for next year on or before December 1 of the preceding year.
2. The owner and/or manager of each applicant shall be photographed, and shall furnish picture identification, a separate form of identification, and a complete set of fingerprints, which shall be forwarded to law enforcement, who shall institute a search of the files of GCIC/NCIC for criminal activity within the 10-year period immediately preceding the date of such application. Law enforcement shall make such other investigations as are appropriate in the judgment of law enforcement. All new owners and/or managers shall also immediately undergo this procedure. As to entity applicants, including without limitation LLC's corporations, and partnerships, the foregoing requirements, regarding no such convictions during the prior 10 years, apply to any owners who own a 20 percent or more interest in the entity. All such owners, and all of applicant's managers, shall furnish picture identification and a complete set of fingerprints for state and federal law enforcement background check. The manager(s) shall also submit a complete set of fingerprints and will be photographed by the City.
3. Each applicant shall attach a completed form with all attachments and requirements for a state license.
4. Before a license is granted, the applicant must post with the city, along with his application, a performance bond with an insurance company as surety. Said bond is to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article, or any part thereof, the amount of the bond to be forfeited will be determined by the seriousness of the violation as determined by the city. Said bond is to be approved by the city and shall be properly executed. Said bond shall be in the amount of \$2,500. Bond amount for Beer and Wine only is \$1,000. *(Amended 10/11/2102)*
5. All applications for a license shall be presented in person.
6. At the time an application is made for a license, the city clerk shall give notice to the applicant of the date on which the city shall consider the application. The city clerk shall then give notice of the making of such an application by advertisement, once a week for two consecutive weeks prior to the date of consideration by the mayor and council on such application, in the newspaper in which legal advertisements for the county are published. The notice shall state the address of the proposed business, give the name of the applicant, and if a partnership, the names of all partners, and if a corporation or LLC, the names of the officers and stockholders or members, and day and time the mayor and council will consider such application.

Section 48-303 Legal Age, Residency and Ownership.

No license shall be granted unless such person is at least 25 and been a resident of Georgia for one year prior to filing an application. If a corporation or LLC should be an applicant and has not been allowed to do business by the secretary of state in Georgia for said one-year period, then the incorporator or managing member and the owners of at least 80 percent of the stock or interests shall all have been residents of Georgia for at least one year prior to filing an application.

Section 48-304 Standards of Issuance.

The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses hereunder:

1. All applicants for a license must show financial responsibility. All applicants shall, at the time of application and periodically thereafter, upon request of the City, submit to the City Clerk or designee, evidence of financial responsibility. The evidence or certification shall include without limitation:
 - A. Financial statements and other proof of the finances of the restaurant, which may be provided at the restaurant for confidentiality reasons, the review to be at the licensee's expense, and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner that the licensee is a viable going concern, being operated in a fiscally responsible manner, which maintains reasonable reserves and maintains and follows

- a responsible business plan, and that the licensee is therefore "financially responsible" and meets that requirement of the City of Walnut Grove alcohol regulations.
- B. Proof of liability insurance coverage in the amount of no less than \$1,000,000 per occurrence, \$2,000,000 aggregate with a company listed on the U . S. Treasury Circular 570;
 - C. A Twenty Five Hundred (\$2,500.00) performance bond with an insurance company as surety, approved by the City and properly executed, requiring the faithful observance and performance by the licensee of the rules and regulations in this ordinance. Bond amount for Beer and Wine only is \$1,000. (*Amended 10/11/2102*)
 - D. Proof the applicant is the owner or lessee of the restaurant (a fully executed deed or a copy of lease);
 - E. An affidavit from applicant that it has adequate financial participation in the restaurant to direct and manage its affairs, and is not a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever, and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met;
 - F. Payment of the applicable license fee;
 - G. Proof of quarterly and annual food sales (with totals) of 60 percent or more of its total gross sales, and annual food sales in excess of \$150,000.00 via presenting a confidential non-public sworn statement of the true and correct sales during the preceding calendar quarter and year respectively on forms approved by the city, which reflect the gross dollar sales amount for total sales for the quarter and year, sales of alcohol for the applicable calendar quarter and year, and sales of food items for the quarter and year (presentation of the statement to the City Clerk or designee at the restaurant shall be deemed lawful compliance with any statement filing requirement in this ordinance) and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met;
 - H. Proof, upon request, via purchase receipts and sales records, of ongoing maintenance of two weeks supply (consistent with past sales) of the types of alcohol typically sold, to prevent undercapitalized restaurants and to demonstrate the financial viability of the restaurant, and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met;
 - I. Certified copies of the sales and use tax monthly reports filed with the state department of revenue for each month during the prior year (presentation of such, including with totals for the year, to the City Clerk or designee at the business shall be deemed lawful compliance with any report filing requirement in this article), and/or a sworn certification from applicant's CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, that said financial responsibility requirement has been met;
 - J. An affidavit from the CPA, CEO, CFO, or Owner, based on their familiarity with and review of all the relevant documentation, certifying that all state and local excise taxes were charged and paid the prior year;
 - K. Written acknowledgment that the City shall have the right to subpoena all or any part of the records, books, documents, reports or invoices of the applicant for auditing the records of such applicant or licensee, securing compliance by such licensee with the provisions of this ordinance, proving or disproving violation of any party of this ordinance by any licensee, or to show payment or nonpayment of any taxes, fees, charges or the like due hereunder. If the City has a reasonable suspicion that an affidavit/certification is inaccurate, it may insist upon and be entitled to tender of the actual backup documentation.
2. No officials or employees of the City or members of its city shall be eligible to receive a license.
 3. All applicants for a license must be the owner or lessee of the premises and must provide evidence of ownership of the premises in the form of a fully executed deed or a copy of the lease.
 4. All applicants for a license must be of good character as evidenced by no conviction within the last 10 years of misdemeanors involving moral turpitude or felonies, and all operators, managers, clerks, or other employees shall be of such good character. Furthermore, corporate or firm applicants shall also be of such good character, with all officers and members being of such good character. The application shall be sent within five business days of receipt to law enforcement for investigation of the applicants, employees, officers and members, then law enforcement shall timely present a written investigation report to the city.
 5. A license may be denied to any applicant if it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or if it appears that the applicant is intended to be a mere surrogate for a person who would not otherwise qualify for a license for any reason whatsoever.

6. The city, in its reasonable discretion, may objectively consider any extenuating circumstances regarding location history and proximity to residential that may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in the reasonable judgment of the city circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.
7. A corporate applicant shall appoint and designate to the city an agent authorized to receive service of process under the laws of Georgia. If no such designation is made, the city may serve or notify the applicant or license holder at any address of the applicant or license holder known to the city.
8. The city shall give notice in writing to the applicant of any decision to deny an application and give reasons for the decision. When the city shall deny an application, applicant shall have ten days from notice of denial to request a hearing before the city. The applicant shall be entitled at such a hearing to present evidence and cross-examine opposing witnesses.

Section 48-305 Transfer.

No license shall be transferable and if a licensed business is sold or closed, it shall be the duty of licensee to immediately surrender said license to the city, and under no circumstances will the license fee be refunded to the holder; provided, however, license transfer and temporary licensing can occur subject to the following conditions:

1. If the owner of a license desires to transfer, or a 50 percent or greater interest in the business is sold or otherwise transferred, then the purchaser or transferee shall make a new application to the city as for an original license, before the date on which such sale or transfer is made. Ownership of such license shall remain unchanged until the application is approved by the city and all proper fees and taxes are paid.
2. Upon the sale or other transfer of 50 percent or more interest in the business for which the license was issued, the purchaser or transferee shall be entitled to continue to operate such business for 30 days, pending the a new license, but only if such purchaser or transferee has filed a complete application with the city as required in section 48-305.1.
3. In case of the death of any natural person the license may be transferred to the administrator, executor or the lawful heir or devisee by filing a new application for the change in license ownership within 30 days of such death. The business may continue to operate until disposition of the application is determined as for an original license. No additional fees shall be charged above what would be due if the business, or portion thereof, remained under the deceased person's ownership.
4. All holders of licenses shall within 6 months after the issuance of such license, open for business the establishment. Failure to open shall serve as a forfeiture of the unused license, and no refund of the license fee shall be made.

Section 48-306 Separate License.

A separate license shall be required for each pouring location of each place of business. Each license will enable the licensee to sell the licensed alcoholic beverages only in the areas of the premises permitted by state laws and regulations.

Section 48-307 Building.

No license shall be issued to any person unless complete and detailed diagrams of the building and the outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building are attached. The building shall comply with ordinances of the city, regulations of the state revenue commissioner, and the laws of Georgia. Upon completion, the proposed building shall be subject to final inspection and approval by the building inspector. Each applicant shall attach evidence of ownership of the building or proposed building or a copy of the lease. Licensees shall provide on the premises adequate sanitary toilet facilities as required by the health and building codes and the building shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen by customers therein.

Section 48-308 Distance Requirements.

No license shall be granted unless the front door of the building at the proposed location is situated not less than 40 yards from the property line of any school ground or college campus, and not less than 20 yards from any church building or 100 yards from any housing authority property or any building used as an alcohol rehabilitation center. This distance is to be measured by the most direct route of travel on the ground. Each application shall include a scale drawing of the

location of the proposed premises showing the distances or a certificate of a registered surveyor that such location complies.

Section 48-309 Hours of Operation.

No alcohol may be served before 11 a.m. on any day (12:30 Sunday) or after last call, which will be at 11:00 p.m. No licensee shall furnish alcohol at any of the following times:

1. In violation of a local ordinance or regulation or of a special order of the city; or
2. In violation of state law or regulation; or
3. More than one hour after the restaurant shuts down the kitchen for the evening.

However, the wholesale or retail sale of alcohol shall be lawful during the polling hours of any election, except that the sale of alcoholic beverages within 250 feet of a polling place is unlawful during such hours that the polls are open.

(Amended 10/11/2012)

Section 48-310 Minimum Age of Consumption; Exceptions.

No licensee nor any agent or employee of a licensee shall give, furnish, sell or offer to sell any alcoholic beverage(s) to a person under 21. Licensee shall post in a conspicuous place in the establishment a sign in letters at least four inches high reading as follows: "SALE OF ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE STRICTLY PROHIBITED" and "WARNING: DRINKING ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS." It shall be unlawful for a minor to exhibit fake, forged, or borrowed ID to obtain alcoholic beverages.

Section 48-311 Furnishing Alcoholic Beverages to Certain Persons Prohibited.

No licensee shall furnish, sell or offer to sell any alcohol to any person confined in any jail or other lawful place of confinement, or to any person who is a patient or inmate of the Central State Hospital, or to any person who is noticeably intoxicated, or is of unsound mind, or is a habitual drunkard whose intemperate habits are known to said person.

Section 48-312 Certain Employment Prohibited.

No licensee shall employ, require or permit a person under 18 to sell or take orders for any alcohol.

Section 48-313 Containers.

The sale of alcohol in unbroken packages or in any quantity for other than consumption on the premises is prohibited.

Section 48-314 Annual Fees.

1. The fee for a license shall be \$2,400 (\$500 for beer and wine only), and shall be paid prior to issuance of any license. Said fee shall accompany the application and shall be either a cash payment or a bank check.
2. No annual fee shall be prorated.
3. Wholesalers shall be exempt from said fee unless payment of said fee is required under O.C.G.A. § 48-5-354.

(Amended 10/11/2012)

Section 48-315 Excise tax.

1. Distilled Spirits. Taxation is per O.C.G.A. 3-7-60, 22 cents per liter.
2. Malt Beverages. Taxation is per O.C.G.A. as follows: Where malt beverages are sold in or from a barrel or bulk container, a tax of \$6 on each container sold containing not more than 15 gallons and a proportionate tax at the same rate on all fractional parts of 15 gallons; and where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of 5 cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

3. Wine. Taxation is per O.C.G.A. 22 cents per liter and a proportional tax at the same rate for any fractional parts of a liter.

(Amended 10/11/2012)

Section 48-316 Responsibility.

Any holder of an license shall keep a copy of this article on the premises and shall instruct any person working there to read and follow such, and each licensee and the licensee's agents and employees selling alcohol by the drink shall at all times be familiar with the terms hereof. The licensee shall be held responsible for any acts of the licensee's agents and/or employees in any violation hereof and/or of the laws of Georgia and/or the rules and regulations of the revenue commissioner.

Each new licensee shall complete an alcohol training class, approved by the City after careful investigation of the proposed program and test, within 6 months of license approval. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and a suspension of alcohol sales until the next meeting of the mayor and council after proof of compliance. Every person working on a licensee's premises who may ever provide alcohol to a customer shall complete an alcohol training class, approved by the City after careful investigation of the proposed program and test, within 6 months of license approval, and within 6 months of a new employee's hiring date and renew such every 3 years. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance. Licensee shall supply proof of such at the time of permit application.

Section 48-317 Inspection.

The business premises of the holder of a license shall be available for inspection at any and all times by officers or officials authorized to conduct such inspections, including without limitation law enforcement and City staff.

Section 48-318 Production of Records.

In conjunction with any license application or any license issued hereunder, or the revocation, suspension or cancellation of any license or any of the hearings contemplated by this article, or the payment or nonpayment of any excise tax levied or to be collected hereunder, the city shall have the right to subpoena all or any part of the records, books, documents, reports or invoices of any applicant or licensee. Said subpoena right shall be had for auditing the records of such applicant or licensee, securing compliance with this article, proving or disproving violation of any part of this article by any licensee, or to show payment or nonpayment of any taxes, fees, charges or the like due hereunder.

Section 48-319 False statement.

The making of any false statement on an application shall constitute grounds for revocation of said license.

Section 48-320 Gambling.

There shall be no gambling, betting, games of chance, slot machines, lotteries or tickets of chance or operation of any schemes for hazarding money or any other thing of value, nor in any room adjoining owned or controlled by licensee.

Section 48-321 Soliciting.

No licensee shall require, permit, or induce any person to solicit the purchase of any drink or money with which to purchase the same; nor shall any licensee pay a commission or any other compensation to any person to solicit for himself or for others, the purchase by the patron of any drink.

Section 48-322 Display of License.

A license issued under this article shall be displayed prominently at all times on the premises for which it was issued.

Section 48-323 Delivery.

It shall be unlawful for any licensee to make delivery of any alcoholic beverage, except inside of the premises or area licensed for the sale thereof. It shall be unlawful to sell alcoholic beverages by the drink for consumption off the premises.

Section 48-324 Criminal Record.

It shall be unlawful for any licensee to knowingly allow any person with a criminal record for violence or disorder to frequent the premises or loiter on the premises.

Section 48-325 Prostitution; Adult Entertainment.

It shall be unlawful for any licensee to allow any person to frequent the licensee's premises for soliciting prostitution. Based on the experiences of other counties and municipalities, which experiences are relevant to the problems faced by the city, the mayor and council note the conditions and occurrences generally associated with adult entertainment establishments. It is the finding of the mayor and council that adult entertainment establishments, particularly those where alcoholic beverages are served, result in an increase in criminal behavior and create undesirable community conditions. An increase in instances of disorderly conduct, public drunkenness, prostitution, drug trafficking and loitering of individuals with criminal histories has been the experience of other counties and municipalities that permit adult entertainment establishments, particularly those in which alcoholic beverages are served. The mayor and council also find that the increase in criminal behavior which accompanies adult entertainment establishments causes undesirable community conditions. Conditions experienced in other counties and municipalities are depression of property values in neighborhoods surrounding the adult entertainment establishment, community blight, an increased burden on and expenditure for law enforcement, and an increase in the criminal case load in the judicial system due to a greater number of arrests because of the above-mentioned crime problems.

In addition to the prohibitions under O.C.G.A. § 3-3-41, no alcoholic beverages may be sold in any restaurant which features performances by topless dancers, go-go dancers, strippers or similar entertainers whose performances involve erotic dancing including without limit simulation of sexual activities and/or erotic or lewd touching. No such adult entertainment may be located within 1,000 feet of any restaurant selling alcoholic beverages. For the purpose of this subsection, distance shall be by direct measurement between property lines, using the closest property lines of the parcels of land involved.

Section 48-326 Police Reports.

It shall be unlawful for any licensee to fail to report to the police at the earliest possible time known incidents of a criminal nature that happen on the licensee's premises. It shall be unlawful for any licensee to willfully withhold from the police any information pertaining to any crime that may have happened on the premises.

Section 48-327 No Employees with Criminal records.

It shall be unlawful for any licensee to employ on the premises any person who in the preceding ten years has been convicted of a felony or of a misdemeanor involving moral turpitude. It shall also be unlawful for any licensee to allow any criminal act to be committed on the premises. No applicant or licensee shall have been convicted of or have pled nolo to, within 10 years of the date of application, a felony or of a misdemeanor involving moral turpitude, or any crime relating to the sale of alcohol. If the applicant or licensee is a partnership, all members of such partnership must meet this requirement. If the applicant or licensee is a corporation or LLC, all stockholders and officers and members must meet this requirement.

Section 48-328 Advertising.

It shall be unlawful to display on the outside of the premises any form of signs or lettering using brand names or words or advertisements indicating or have the connotation of promoting or advertising the sale of alcoholic beverages.

Section 48-329 Minors.

1. The term "minor" as used in this article shall mean any person under 21 , or as defined in O.C.G.A. § 3-3-23 or by other state laws.
2. It shall be unlawful for a minor to attempt to purchase or for any other person to purchase distilled spirits for a minor.
3. It shall be unlawful for a minor to exhibit fake, forged or borrowed I D to obtain alcohol to which he is not legally entitled.
4. No person shall make or permit to be made any sale of alcohol to minors. Upon violation, the licensee shall generally be treated as follows: upon a first offense by the licensee, a suspension for 7 consecutive days of sales of alcoholic beverages; proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, such proof to be provided to the City Council within 75 days of the first day of the suspension of the license; a \$500 civil penalty; and on the first day of the suspension, the posting at the premise's entrance of a sign notifying patrons of the nature and length of the suspension. Upon a second offense by the licensee, within three years of a prior offense, a suspension of 60 consecutive days of sales of alcoholic beverages: proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, such proof to be provided to the City Council within 75 days of the first day of the suspension of the license; a \$1,000 civil penalty; removal of all alcoholic beverages from the premises; on the first day of the suspension, the posting at the premise's entrance of a sign notifying patrons of the nature and length of the suspension; and probationary status for one year. Upon a third offense within three years, by the licensee, the license shall be revoked for a period of one full year.
5. Upon receipt of letter of notification of penalty, licensee has ten (10) days to file a written request for a hearing to appeal the fine, suspension, attendance at an approved alcohol awareness class, and/or the starting date of suspension of sales.
6. If no written request for a hearing is filed within ten (10) days of receipt of notification of penalty letter, the fine and suspension will begin on the eleventh day after the receipt of the notification of penalty letter unless the eleventh (11th) day is a Saturday, in which case the suspension will begin on the next day of the establishment's operation during which alcoholic beverages would normally be available. Additionally, proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, to be provided to the City Council within 75 days of receipt of letter of notification of penalty. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and a suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance.
7. Schedule if Appeal Hearing Conducted: the fine and/or suspension will commence within five (5) days thereafter, on a date set at the appeal hearing by the Mayor and City Council. Proof of attendance and successful completion by all sales clerks and servers at the approved alcohol awareness class designated by the City Council, such proof to be provided to the City Council within 75 days after the hearing. Failure to timely present such proof shall be cause for a determination by the mayor and council of non-compliance and a suspension of alcohol sales until the next meeting of the mayor and council after presentation of proof of compliance.

Section 48-330 Containers, Quantity, Quality, Brand Name.

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 manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

Section 48-331 Conditions of Premises.

1. All premises for the sale and consumption of alcoholic beverages and/or for the storage of alcoholic beverages shall be kept in a sanitary condition and shall be kept in full compliance with the regulations of the Health Department.
2. All premises shall be inspected by the Health Department, the Fire Department, the building inspector, and law enforcement officers to determine if the premises are in compliance with all rules, regulations, laws, and codes.

Section 48-332 Telephone.

A licensee shall maintain on the premises at all times a telephone in good working order.

Section 48-333 Incorporation of State Law.

The state laws and/or regulations relating to the sale and/or distribution of alcoholic beverages within Georgia are hereby incorporated herein and made a part of this article as if fully set out herein.

Section 48-334 Employees.

1. Every licensee shall maintain at all times on the premises a list of all persons employed by such licensee, which list shall show the full legal name, alias, date of birth, address, home telephone number and social security number of each employee.
2. The employee list shall be available during reasonable hours for inspection by any law enforcement person or government official or his designee. Upon reasonable grounds for making such request, an employee must submit to a fingerprint identification and criminal history check. Every retail licensee shall cause each of the licensee's employees during the hours of employment to be identified by a conspicuous label or badge on which shall appear the employee's first name.
3. No person under 16 shall be employed in any capacity in any place of business licensed hereunder.

Section 48-335 Promotions.

No licensee shall engage in any of the following in connection with sale or other disposition of alcohol:

1. Giving away a ticket, token or any other item that can be exchanged for any alcohol on purchase of any other beverage;
2. The sale of two or more beverages for a single price or at the substantially same price as customarily charged for one;
3. The sale of one beverage with a ticket, token or any other items redeemable for a subsequent beverage;
4. The sale of all alcohol a customer can or desires to drink at a single price;
5. The sale of alcohol during any special period of the day or the week, at prices lower than those customarily charged;
6. Encouraging the purchase of a second beverage at the same time another is purchased, or before the first is consumed; and
7. Conducting or allowing promotions which have as their primary purpose the increasing of consumption of alcohol.

Section 48-336 Prohibited Acts.

No licensee or business shall authorize or permit anyone to bring onto the premises any alcohol acquired elsewhere, nor shall any such licensee authorize anyone to take out of the premises any alcohol. No licensee shall authorize or permit any patron or customer to bring or carry any deadly weapon or firearm on the premises except a law enforcement officer or other person authorized by law to bring or carry any deadly weapon or firearm on the premises, nor shall licensee act as a keeper, bailee or custodian of any kind of deadly weapon or firearm for anyone.

Section 48-337 Clearing Service Areas.

All licensees shall remove or cause to be removed from the area of the premises utilized by the customers all alcoholic beverages within one-half hour after the times for last call specified in this article. To discourage customers from trying to evade this requirement, at no time shall licensees give customers multiple drinks or "doubles" or similar, or provide a new drink or refill before the customer finishes the current drink.

Section 48-338 Contraband.

All alcoholic beverages owned or possessed contrary to this article are hereby declared to be contraband and shall be seized by the proper authorities. *(Amended 10/11/2013)*

Section 48-339 Grounds for Suspension or Revocation of License.

No person shall engage in the sale of alcohol without first complying with the rules in this article. Any license shall be subject to suspension or revocation, and/or any licensee subject to civil penalty, upon any of the following grounds:

1. The making of any false statement on an application for a license issued hereunder;
2. A violation of the regulations in this article and/or the regulations of the United States and/or Georgia and/or the City;
3. The failure to have the financial responsibility upon which issuance of the license was conditioned;
4. Default in any obligation, of any kind whatsoever, lawfully owing to the City;
5. Suspension or revocation of a state retail dealer's license; or
6. For any other legal and sufficient cause.

Any action taken by the city to suspend or revoke a license shall not preclude and may be in addition to any criminal prosecution by a proper authority. Whenever any action is taken by the city to suspend or revoke any license, the city shall provide written notice to the licensee of the action and set forth the reasons for such action. The licensee shall have ten days following notification of such action to request a hearing before the city. The licensee shall be entitled at such hearing to present evidence and cross-examine opposing witnesses.

Section 48-340 New Restaurant; Temporary Licenses.

1. Notwithstanding any other provision of this article, a person may apply as a qualified restaurant even though the establishment has not yet been in operation for the previous 12 months. Because it is not possible to determine if such restaurant has annual food sales which are 60 percent or more of its total gross sales and it is not possible to determine if such restaurant has annual food sales in excess of \$150,000, the city may in its reasonable discretion consider the size and seating capacity of the restaurant, the size and seating capacity of any lounge in the restaurant, the size and type of kitchen facilities and all other relevant factors to determine if it appears substantially likely that the restaurant will qualify for a license under this article. If the city anticipates that the establishment will qualify for a license, it may vote to award the applicant a temporary license not to exceed 90 days. At or before the conclusion of the 90-day period, the city shall use a pro rata analysis to determine if the applicant is operating a qualified restaurant. If the city has determined that the restaurant is qualified under this article, the applicant may make application for a license under section 48-302.
2. Notwithstanding any other provision of this article to the contrary, a nonprofit organization which has at least 75 members regularly paying monthly, quarterly, semiannual or annual dues and has received and has maintained approval from the IRS as a 501(c)(3) organization, may apply for a temporary 3-day special event license for consumption of malt beverages and wine (not distilled spirits, except one single day event, one time per year, upon approval of the Mayor and Council, using as criteria all applicable standards and requirements; applicant shall then comply with all applicable liquor serving requirements). In addition to the city requirements below, such organizations must file an application with and pay a fee of \$25 to the commissioner of the state department of revenue, and receive approval and issuance of the state license. No more than 6 licenses may be issued to an organization in any one calendar year pursuant to this code section. It shall be unlawful for a licensee to distribute or sell alcohol during any hours in which the sale of alcoholic beverages by the drink for consumption only on the premises is not permitted in the jurisdiction. It shall be unlawful for a licensee to employ any person under 18 who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages. To make application for such license, the organization must comply with all the following:
 - A. Make application at least 14 days prior to the proposed license date(s);
 - B. Pay a fee of \$25 per licensed event;
 - C. Not hold more than 18 days and/or nights of such sales per calendar year. A license shall only be granted for a period not to exceed 3 days and/or nights per event;
 - D. All sales must be for fundraising, or to directly further the purpose of the organization, or made with service of a meal;
 - E. All sections of this article must be complied with except sections 48-302, 48-304, 49-305, 48-30, 48-316 and 48-341;
 - F. Only one such license shall be issued for any one location in the city, and such location shall be stated in the application. Licenses issued pursuant to this Code section shall be valid only for the place specified in the license;
 - G. All applicants for a license must be of good character, as evidenced by no conviction within the last 10 years of misdemeanors involving moral turpitude or felonies, and all operators, managers, clerks or other employees shall be of such good character, and corporate or LLC or firm applicants shall also be of good business reputation, with all officers and members being of such good character; the application shall be

- sent within five business days of receipt to law enforcement for investigation of the applicants, employees, officers and members, then law enforcement shall timely present a written investigation report to the city.
- H. Whenever the city shall deny an application for a license, the applicant shall have ten days following the date of notice of denial to request a hearing before the city; the applicant shall be entitled at such a hearing to present evidence and cross examine opposing witnesses; and
 - I. No license under this section shall be transferable or assignable to any person or other location. Under no circumstances will the temporary license fee be refunded to the organization.
 - J. A person who willfully, knowingly, and unlawfully sells, furnishes, or serves alcoholic beverages to a person who is not of lawful drinking age, knowing that such person will soon be driving a motor vehicle, or who knowingly sells, furnishes, or serves alcoholic beverages to a person who is in a state of noticeable intoxication, knowing that such person will soon be driving a motor vehicle, may become liable for injury or damage caused by or resulting from the intoxication of such minor or person when the sale, furnishing, or serving is the proximate cause of such injury or damage.
3. Notwithstanding any other provision of this article to the contrary, a state-approved alcoholic beverage caterer who additionally holds a valid license from the city which authorizes the licensee to sell alcohol by the drink for consumption on the premises may be issued from the city an off-premises license which authorizes such licensed alcoholic beverage caterer to sell malt beverages and wine (not distilled spirits) by the drink off premises and in connection with a specifically designated catered function. Such shall be known as a "special event license". A "licensed alcoholic beverage caterer" means any retail dealer who has been licensed pursuant to O.C.G.A. § 3-4-2, 3-5-2 or 3-6-2. In addition to the city requirements below, such organizations must file an application with and pay a fee of \$25 to the commissioner of the state department of revenue, and receive approval and issuance of the state license. It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell malt beverages or wine during any hours in which the sale of alcohol by the drink for consumption only on the premises is not permitted in the jurisdiction. It shall be unlawful for a licensed alcoholic beverage caterer to employ any person under 18 who, in the course of such employment, would dispense, serve, sell, or handle malt beverages and wine. To make application for such license, the organization must comply with and agree to all the following:
- A. Make application at least 14 days prior to the first date of the proposed license period. The application shall include without limitation the name of the caterer; the date, address, and time of the event; and the licensed alcoholic beverage caterer's license number;
 - B. Pay a fee of \$250 annually;
 - C. Reserved;
 - D. All sales of malt beverages and wine must be for fundraising, or to directly further the purpose of the organization, or made in conjunction with service of a meal;
 - E. All sections of this article must be complied with except sections 48-30, 48-304, 48-305, 48-307, 48-314 and 48-341;
 - F. Only one such license shall be issued for any one location within the city and such location shall be stated in the application. Licenses issued pursuant to this code section shall be valid only for the place specified in the license;
 - G. All applicants for a license must be of good character as evidenced by no conviction of misdemeanors involving moral turpitude or felonies, and all operators, managers, clerks or other employees shall be of such good character, and corporate or LLC or firm applicants shall also be of good business reputation, with all officers and members of such good character; the application shall be sent within five business days of receipt to law enforcement for investigation of the applicants, employees, officers and members, then law enforcement shall timely present a written investigation report to the city;
 - H. Whenever the city shall deny an application for a license, the applicant shall have ten days following the date of notice of denial to request a hearing before the city; the applicant shall be entitled at such a hearing to present evidence and cross examine opposing witnesses; and
 - I. No license under th is section shall be transferable or assignable to any person or other location. Under no circumstances will the temporary license fee be refunded to the organization.
 - J. All sales of malt beverages and wine in connection with an authorized catered event, shall be cash at the time of delivery or not more than five days in advance of the authorized catered event. All other malt beverages and wine sales will be subject to restrictions and requirements imposed by department of revenue regulations. The acceptance of checks and credit cards shall be deemed the same as cash and are subject to the requirements and restrictions imposed by department of revenue regulations.
 - K. All sales are final and in no case will broken packages of beverage alcohol be removed or returned by the licensed beverage alcohol caterer from the site of the authorized catered event to his place of business or

any other location. All returns of unbroken packages must be documented on the quantity-destination report. Under no circumstances will malt beverages or wine be returned to caterer's inventory on Sunday. Returns of unbroken packages of beverage alcohol will be handled as no sale.

- L. Leftover broken packages of malt beverages and wine shall be the property of the event sponsor.
- M. The licensed beverage alcohol caterer must provide such personnel as needed to handle all malt beverages and wine at the authorized catered event. This shall include bartending services, dispensing, serving, providing, or furnishing beverage alcohol. Employees of a licensed alcohol beverage caterer must be 18 years of age or older in order to handle malt beverages and wine at such authorized catered event.
- N. The licensed beverage alcohol caterer shall notify the state revenue commissioner in writing of the site of the authorized catered event. The notification will also contain such other information as the commissioner may require. Such notification must be received five working days prior to such authorized catered event.
- O. The licensed beverage alcohol caterer will keep on file at his place of business, all beverage alcohol quantity/destination reports, local catering event permits and all other documents, records and reports required by Georgia Law and other department of revenue regulations for a time period prescribed by those laws and regulations.
- P. The licensed beverage alcohol caterer is required to notify sponsors of authorized catered events of the authority of the state revenue commissioner or his agents to enter upon the premises which is the site of an authorized catered event for the purpose of inspection and enforcement of these regulations and all other laws and regulations pertaining to the sale, possession and dispossession and distribution of beverage alcohol.
- Q. Delivery of malt beverages and wine by a licensed beverage alcohol caterer shall be made only in connection with an authorized catered event. Deliveries not meeting the requirements as set forth in these regulations shall be a violation of these regulations and department of revenue regulations governing the transportation of beverage alcohol by retail dealers and alcohol pouring licensees and shall be cause for the suspension or revocation of licensee's beverage alcohol licenses and forfeiture of licensee's bond or both by the state revenue commissioner. All beverage alcohol transported in violation of these regulations shall be declared contraband and subject to seizure by the state revenue commissioner or his agents.
- R. Vehicles used by a licensed beverage alcohol catering establishment for the transportation and delivery of beverage alcohol in connection with an authorized catered event will be marked only with the state license number two inches high and one inch wide. No other wordage or advertisement pertaining to the catering service will be permitted.
- S. While transporting and delivering beverage alcohol in connection with an authorized catered event, the licensee or the employee of the licensed beverage alcohol catering establishment shall have in his possession a copy of the establishment's valid state beverage alcohol license, a copy of the establishment's valid local beverage alcohol catering license, a copy of the establishment's valid local beverage alcohol catering event permit from the local governing authorities in the jurisdiction the event is being held along with the department of revenue alcohol beverage catering quantity/destination report.
- T. Delivery of all beverage alcohol by a licensee to an authorized catered event must be made in unbroken containers. Subsequent serving of all beverage alcohol at the authorized catered event must be by the drink.
- U. A person who willfully, knowingly, and unlawfully sells, furnishes, or serves alcoholic beverages to a person who is not of lawful drinking age, knowing that such person will soon be driving a motor vehicle, or who knowingly sells, furnishes, or serves alcoholic beverages to a person who is in a state of noticeable intoxication, knowing that such person will soon be driving a motor vehicle, may become liable for injury or damage caused by or resulting from the intoxication of such minor or person when the sale, furnishing, or serving is the proximate cause of such injury or damage.

Section 48-341 Reports.

1. Each licensee under this section shall as a condition of maintaining such license, file with the clerk within 30 days after the end of each calendar year evidence of financial responsibility required under Section 48-304(1).
2. The statements shall be confidential and shall not be open for public inspection except as otherwise required by law. Said documentation shall be used solely by the city for determination of whether the licensee remains qualified to hold its license. Failure to timely file such documentation including evidence of financial responsibility shall be a violation of a city ordinance punishable by a civil penalty of up to \$500 and cause for suspension or revocation of the license granted hereunder.

Section 48-342 "Brown bag" and "Bring Your Own Bottle" Practices Prohibited.

It shall be unlawful for a person to bring alcoholic beverages into any restaurant or similar eating facility or any other establishment within the city limits for consumption on the premises or for any person to permit such. It shall also be unlawful for any establishment to charge a "corkage fee" or wine bottle opening fee or similar. *(Adopted 3/22/2012, Amended 10/11/2012)*

ORDINANCE

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WALNUT GROVE, GEORGIA ADOPTING A CODE OF THE ORDINANCES FOR THE CITY ENTITLED "THE CODE OF THE CITY OF WALNUT GROVE PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN AND FOR OTHER PURPOSES:

Be it ordained by the Mayor and City Council of the City of Walnut Grove, Georgia, and it is hereby ordained by the authority of the same as follows:

Section 1: There is hereby adopted by the City Council a code entitled, "The Code of the City of Walnut Grove, Georgia, 1990," containing" certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, of which code not less than two (2) copies have been and are now filed in the Office of the City Clerk, authenticated by the signatures of the Mayor, City Clerk and City Attorney, and signed by the members of the City Council of the City of Walnut Grove, said code being hereto attached and made a part hereof.

Section 2: The provisions of this Code shall be in force and effect on _____, 20____ and all ordinances of a general and permanent nature in force on such date and not contained in the Code are repealed by this Ordinance from and after such date, except as may be provided hereinafter.

Section 3: The repeal provided for in the preceding section of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before _____, 20____; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City or authorizing the issue of any bonds, including revenue certificates, of the City of Walnut Grove or any evidence of the City's indebtedness or any contract or obligation assumed by the City; nor shall such repeal affect the administrative ordinances or resolutions of the City Council not in conflict or inconsistent with the provisions of the Code; nor shall it affect any right or franchise conferred by any ordinance or resolution of the City or any person or corporation; nor shall it affect any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to _____, 20____.

Section 4: It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance or of the Code hereby adopted shall be declared unconstitutional or otherwise invalid by Valid Judgment or Decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance or of the Code hereby adopted.

Read and adopted in the regular meeting of the City Council held on this ____ day of _____, 20____.

ATTEST:

City Clerk

Mayor

City Attorney

Councilmember

Councilmember

Councilmember

Councilmember

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