

**THE CODE**  
**of the Unified Government of**  
**CUSSETTA-CHATTAHOOCHEE COUNTY**  
**GEORGIA**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Charter Ordinance No. 2024-4(U.G.), adopted November 12, 2024.**

See the Charter Comparative Table for further information.

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**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2023-3(U.G.), September 6, 2023.**

See the Code Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2022-6(U.G.), December 6, 2022.**

See the Code Comparative Table for further information.

Included in the Charter is:

**Ordinance No. 2022-2(U.G.), adopted August 2, 2020.**

See the Charter Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2021-1(U.G.), March 2, 2021.**

See the Code Comparative Table for further information.

Included in the Charter is:

**Ordinance No. 2020-3(U.G.), adopted June 2, 2020.**

See the Charter Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2018-2(U.G.), adopted June 5, 2018.**

See the Code Comparative Table for further information.

Included in the Charter is:

**Ordinance No. 2018-1(U.G.), adopted March 6, 2018.**

See the Charter Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2016-1(U.G.), adopted March 1, 2016.**

See the Code Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2012-5(U.G.), adopted December 18, 2012.**

See the Code Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2012-2 (U.G.), adopted January 1, 2012.**

See the Code Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2010-5 (U.G.), adopted December 7, 2010.**

See the Code Comparative Table for further information.

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**THE CODE**  
**OF THE UNIFIED GOVERNMENT OF**  
**CUSSETA-CHATTAHOOCHEE**  
**COUNTY, GEORGIA**

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Published in 2009 by Order of the Commission

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Adopted: April 7, 2009  
Effective: April 8, 2009

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OFFICIALS  
of the  
UNIFIED GOVERNMENT OF  
CUSSETA-CHATTAHOOCHEE COUNTY, GEORGIA  
AT THE TIME OF THIS RECODIFICATION

---

Walter F. Rosso (Chairman)  
Gerald Douglas (Vice Chairman)  
Donald Moore  
Emmett Moore, Jr.  
James Lawrence  
*Commission*

---

David George  
*Manager*

---

William C. Moore  
*Attorney*





## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Unified Government of Cusseta-Chattahoochee County, Georgia. The Unified Government is the successor to the governing authorities of the City of Cusseta, Georgia and Chattahoochee County, Georgia.

Source materials used in the preparation of the Code were the ordinances adopted by the Commission (references as U.G. Ord.), together ordinances adopted by the City of Cusseta, Georgia (referenced as "City Ord.") and ordinance adopted by Chattahoochee County Georgia (referenced as "County Ord."). The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of any subsequent ordinance included herein.

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

### *Chapter and Section Numbering System*

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

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter

of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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RELATED LAWS COMPARATIVE TABLE	RLCT:1
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CODE COMPARATIVE TABLES	CCT:1
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CHARTER AND RELATED LAWS INDEX	CHTi:1
CODE INDEX	CDi:1

#### *Indexes*

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

#### *Looseleaf Supplements*

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

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

#### *Acknowledgments*

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and K. Barrington, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Donald Moore, Chairman of the Unified Government Commission, Mr. William C. Moore, Unified Government Attorney and Mr. David George, Unified Government Manager for cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the unified government readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the unified government's affairs.

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## ADOPTING ORDINANCE

### ORDINANCE NO. 2009-2

An Ordinance Adopting and Enacting a New Code for the Unified Government of Cusseta-Chattahoochee County, Georgia; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

The Commission of Cusseta-Chattahoochee County Georgia Hereby Ordains:

*Section 1.* The Code entitled "The Code of the Unified Government of Cusseta-Chattahoochee County, Georgia," published by Municipal Code Corporation, consisting of Chapters 1 through 28, each inclusive, is adopted.

*Section 2.* All Ordinances of a general and permanent nature enacted on or before September 2, 2008, and not included in the Code or recognized and continued in force by reference therein, are repealed.

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

*Section 4.* Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any Ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding 60 days, or any combination thereof. Except as otherwise provided, with respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense. The penalty provided by this Section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Unified Government may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

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

*Section 6.* Ordinances adopted after September 2, 2008, that amend or refer to Ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

*Section 7.* This Ordinance shall become effective at noon on the day following its adoption.

The foregoing Ordinance adopted by the Commission of Cusseta-Chattahoochee County, Georgia this 7<sup>th</sup> day of April, 2009.

BOARD OF COMMISSION OF THE UNIFIED GOVERNMENT  
OF CUSSETA-CHATTAHOOCHEE COUNTY, GEORGIA

BY: /s/ \_\_\_\_\_  
WALTER F. ROSSO, CHAIRMAN VOTING: YES

BY: /s/ \_\_\_\_\_  
GERALD DOUGLAS, VICE CHAIR- VOTING: YES  
MAN

BY: /s/ \_\_\_\_\_  
DONALD MOORE, COMMISSIONER VOTING: YES

BY: /s/ \_\_\_\_\_  
EMMETT MOORE, JR., COMMIS- VOTING: YES  
SIONER

BY: /s/ \_\_\_\_\_  
JAMES LAWRENCE, COMMIS- VOTING: YES  
SIONER

FIRST READING 3-3-09

SECOND READING 4-13-09

AUTHENTICATED:

/s/ \_\_\_\_\_  
DAVID GEORGE, MANAGER  
UNIFIED GOVERNMENT OF  
CUSSETA-CHATTAHOOCHEE  
COUNTY, GEORGIA

[Seal]

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## Checklist of Up-to-Date Pages

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Unified Government Code will be able to gain a more complete picture of the Code's historical evolution.

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<b>Supp. No. 1</b>			
2009-1(U.G.)	3- 3-2009	Include	1
2009-2(U.G.)	4- 7-2009	Include	1
2009-3(U.G.)	5- 5-2009	Include	1
2009-4(U.G.)	9- 1-2009	Include	1
2010-1(U.G.)	4- 5-2010	Include	1
2010-2(U.G.)	8- 3-2010	Include	1
2010-3(U.G.)	8- 3-2010	Include	1
2010-4(U.G.)	12- 7-2010	Include	1
2010-5(U.G.)	12- 7-2010	Include	1
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2011-01(U.G.)	7- 5-2011	Include	2
2012-1(U.G.)	12- 6-2011	Include	2
2012-2(U.G.)	1- 1-2012	Include	2
<b>Supp. No. 3</b>			
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(Ord.)(U.G.)	9- 4-2012	Include	3
2012-4(U.G.)	9- 4-2012	Include	3
2012-5(U.G.)	12-18-2012	Include	3
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2013-1(U.G.)	5-14-2013	Include	4
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2015-1(U.G.)	9- 1-2015	Include	5
2015-2(U.G.)	12- 1-2015	Include	5
2016-1(U.G.)	3- 1-2016	Include	5
<b>Supp. No. 6</b>			
2016-2(U.G.)	5-10-2016	Include	6
2016-3(U.G.)	8- 2-2016	Include	6
<b>Supp. No. 7</b>			
2018-1(U.G.)	3- 6-2018	Include	7
2018-2(U.G.)	6- 5-2018	Include	7
<b>Supp. No. 8</b>			
2020-1(U.G.)	1- 7-2019	Include	8

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2020-2(U.G.)	5- 5-2020	Include	8
2020-3(U.G.)	6- 2-2020	Include	8
2020-4(U.G.)	9- 1-2020	Include	8
2021-1(U.G.)	3- 2-2021	Include	8
<b>Supp. No. 9</b>			
2021-2(U.G.)	9- 7-2021	Include	9
2021-3(U.G.)	9-27-2021	Include	9
2021-4(U.G.)	12-28-2021	Include	9
2022-1(U.G.)	8- 2-2022	Include	9
2022-2(U.G.)	8- 2-2022	Include	9
2022-3(U.G.)	8- 2-2022	Include	9
2022-4(U.G.)	12- 6-2022	Include	9
2022-5(U.G.)	12- 6-2022	Include	9
2022-6(U.G.)	12- 6-2022	Include	9
<b>Supp. No. 10</b>			
2023-3(U.G.)	9- 6-2023	Include	10
<b>Supp. No. 11</b>			
2024-4(U.G.)	11-12-2024	Include	11



**PART I**  
**CHARTER AND RELATED LAWS**

Subpart A

**CHARTER\***

**Article I. Unification, Creation, Boundaries, Status, and Powers of Unified Government**

- Sec. 1-101. Unification of county and city; creation of unified government; Cusseta-Chattahoochee County.
- Sec. 1-102. Boundaries.
- Sec. 1-103. Status of unified government as municipal corporation and county.
- Sec. 1-104. Powers of the unified government.
- Sec. 1-105. Taxing districts.
- Sec. 1-106. Construction.

**Article II. Legislative Article**

Chapter 1. The Commission

- Sec. 2-101. Name and composition.
- Sec. 2-102. Term of office; qualifications; disqualifications.
- Sec. 2-103. Salary and expenses of the commission.
- Sec. 2-104. Organization; oath; rules; quorum; meetings; records.
- Sec. 2-105. Powers of the commission.
- Sec. 2-106. Filling of vacancies.

Chapter 2. Legislative Procedure

- Sec. 2-201. Legislation by ordinance.
- Sec. 2-202. Introduction, consideration, and passage of ordinances and resolutions.
- Sec. 2-203. Emergency ordinances.
- Sec. 2-204. Authentication; recording; effective date.
- Sec. 2-205. Codes of technical regulations.
- Sec. 2-206. Codification of ordinances.
- Sec. 2-207. Prima-facie evidence.

Chapter 3. Ethics and Prohibited Practices

- Sec. 2-301. Conflict of interest.
- Sec. 2-302. Disclosure.
- Sec. 2-303. Testimony of public officials relating to public affairs.
- Sec. 2-304. Contracts voidable and rescindable.
- Sec. 2-305. Hearings and determinations.
- Sec. 2-306. Removal of the chairman or commissioner; procedure for removal.

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**\*Editor's note**—Printed herein is the Charter of the Unified Government of Cusseta-Chattahoochee County, Georgia, as adopted by referendum on November 6, 2003. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform as appears in the Code of Ordinances. Additions for clarity are indicated by brackets.

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### Article III. Administration

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- Sec. 3-101. Manager and Assistant Manager; appointment; qualifications.
- Sec. 3-102. Manager; powers and duties.
- Sec. 3-103. Attorney; appointment; term; qualifications; duties; compensation.
- Sec. 3-104. Sheriff.
- Sec. 3-105. Judge of the probate court.
- Sec. 3-106. Clerk of superior court.
- Sec. 3-107. Tax commissioner.
- Sec. 3-108. Coroner.

#### Chapter 2. Administrative and Service Departments

- Sec. 3-201. Creation and functions; generally.
- Sec. 3-202. Administrative reorganization.
- Sec. 3-203. Appointment of directors of departments.
- Sec. 3-204. Departments under state law.

#### Chapter 3. Merit System of Personnel Administration

- Sec. 3-301. Establishment of merit system.

#### Chapter 4. Boards, Commissions, and Authorities

- Sec. 3-401. Certain boards, commissions, and authorities continued.

### Article IV. Judiciary

- Sec. 4-101. Superior court and district attorney; unaffected by Charter; redesignation.
- Sec. 4-102. Juvenile court; unaffected by Charter; redesignation.
- Sec. 4-103. Probate court; unaffected by Charter; redesignation.
- Sec. 4-104. Magistrate court; unaffected by Charter; redesignation.
- Sec. 4-105. Municipal Court of the City of Cusseta; continuation of operations in the magistrate court and probate court of the unified government.
- Sec. 4-106. Municipal Court of Cusseta-Chattahoochee County, Georgia.

### Article V. Elections

#### Chapter 1. Conduct of Elections

- Sec. 5-101. Applicability of general laws.
- Sec. 5-102. Regular election; time for holding; voting.
- Sec. 5-103. Special elections.

#### Chapter 2. Board of Elections

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- Sec. 5-203. Board authorized generally.
- Sec. 5-204. Board member appointment.
- Sec. 5-205. Succession; resignation; removal.
- Sec. 5-206. Vacancy appointment.
- Sec. 5-207. Oath.
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- Sec. 5-209. Authority.
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### **Article VI. Revenue and Finance**

#### Chapter 1. Taxation and Other Revenues

- Sec. 6-101. Levy and Collection of taxes, fees, charges, and assessments; appropriations.
- Sec. 6-102. Collection of delinquent taxes and fees.

#### Chapter 2. Borrowing and Indebtedness

- Sec. 6-201. Issuance of general obligation bonds.
- Sec. 6-202. Debt limitation; general obligation bonds.
- Sec. 6-203. Revenue bonds.
- Sec. 6-204. Use of bond proceeds.

#### Chapter 3. Financial Administration

- Sec. 6-301. Fiscal year.
- Sec. 6-302. Preparation of budgets.
- Sec. 6-303. Scope of budgets.
- Sec. 6-304. Submission of budgets to the commission.
- Sec. 6-305. Adoption of budgets.
- Sec. 6-306. Property tax levies.
- Sec. 6-307. Limitation of funds.
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- Sec. 6-310. Annual audit.

#### Chapter 4. Procurement and Disposition of Property

- Sec. 6-401. Contracting.
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### **Article VII. General Provisions**

- Sec. 7-101. Application of laws; laws in force.
- Sec. 7-102. Limitation on claims and service.
- Sec. 7-103. Tort and nuisance liability.
- Sec. 7-104. Conflict of laws.
- Sec. 7-105. Competitive bidding.
- Sec. 7-106. Execution of assessments.
- Sec. 7-107. Authority to deal with federal and state agencies.
- Sec. 7-108. Federal and state aid.
- Sec. 7-109. Budgets of county officers and agencies.
- Sec. 7-110. Existing pension rights protected.
- Sec. 7-111. Establishment of new pension systems; merging of existing systems.
- Sec. 7-112. Amending charter.
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- Sec. 7-115. Section captions.
- Sec. 7-116. Effect of repeals.
- Sec. 7-117. Severability clause.
- Sec. 7-118. Repeal of conflicting laws.

### **Article VIII. Transition Provisions**

- Sec. 8-101. Special election of first officials.
- Sec. 8-102. Initial terms of office.
- Sec. 8-103. Effective date of Charter.
- Sec. 8-104. Cooperation of former governments.
- Sec. 8-105. Existing ordinances and resolutions continued in effect.
- Sec. 8-106. Contracts and obligations.
- Sec. 8-107. Dissolution of existing governments.
- Sec. 8-108. Transfer of records and equipment.
- Sec. 8-109. Officers serve until successors qualify.
- Sec. 8-110. Referendum on the Charter.

**A RESOLUTION OF THE CUSSETA-CHATTAHOOCHEE COUNTY CHARTER AND UNIFICATION COMMISSION**

To provide for the unification of the existing governments of the City of Cusseta and Chattahoochee County; to provide for the creation of the unified government of Cusseta-Chattahoochee County, Georgia; to provide for the status, boundaries, and powers of the unified government; to provide for the form of, administration of, and affairs of the unified government; to provide for officers and employees, elections, courts, taxation, and finance; to provide for other related matters; to provide for a referendum election with respect to the effectiveness of the foregoing; to repeal conflicting laws; and for other purposes.

**BE IT RESOLVED BY THE CUSSETA-CHATTAHOOCHEE COUNTY CHARTER AND UNIFICATION COMMISSION:**

The following provisions, exclusive of the Table of Contents which is included solely as a convenience to the reader, shall constitute and may be referred to as the Charter of the unified government of Cusseta-Chattahoochee County, Georgia.

[Table of Contents editorially deleted]

**ARTICLE I. UNIFICATION, CREATION, BOUNDARIES, STATUS, AND POWERS OF UNIFIED GOVERNMENT**

**Sec. 1-101. Unification of county and city; creation of unified government; Cusseta-Chattahoochee County.**

(a) The governmental and corporate powers, duties, and functions now vested in the governing authority of the City of Cusseta, a municipal corporation chartered by an Act of the General Assembly of Georgia, approved April 17, 1975 (Ga. L. 1975, p. 3617), are hereby unified with the governmental and corporate powers, duties, and functions of Chattahoochee County. This unification shall result in the creation and establishment of a single county-wide government with powers and jurisdiction throughout the territorial limits of Chattahoochee County, which single government shall supersede and replace the governments of the City of Cusseta and Chattahoochee

County. Said county-wide government shall be a new political entity, a body politic and corporate, and a political subdivision of the state, to be known as the "Unified Government of Cusseta-Chattahoochee County, Georgia," (herein at times called the "Unified Government,") having all the governmental and corporate powers, duties, and functions heretofore held by and vested in the City of Cusseta and Chattahoochee County, and also the powers, duties, and functions provided in this Charter. The unified government shall be a public corporation; shall have perpetual existence; shall adopt a common seal; shall, without the necessity or formality of a deed, bill of sale, or other instrument of transfer, own, possess, and hold all the properties of whatsoever kind or nature, assets, contracts, franchises, things, rights, privileges, immunities, and real and personal property theretofore owned, possessed, enjoyed, or held by the City of Cusseta or Chattahoochee County; and by the name of Cusseta-Chattahoochee County, Georgia, shall be capable of suing and being sued when authorized by this Charter and by the Constitution and laws of the State of Georgia. From and after the effective date of this Charter, the political subdivision known as Chattahoochee County, Georgia, and the municipal corporation known as the City of Cusseta, Georgia, shall be unified into the said new political entity herein created.

(b) The unification of the governments of the City of Cusseta and Chattahoochee County is authorized pursuant to the provisions of Article IX, Section III, Paragraph II(a) of the Constitution of Georgia of 1983, as amended, and an Act establishing the Cusseta-Chattahoochee County Charter and Unification Commission, approved April 13, 2001, (Ga. L. 2001, p. 4305).

**Sec. 1-102. Boundaries.**

The unified government shall embrace the total area included within the existing territorial limits of Chattahoochee County as such limits are fixed and established on the effective date of this Charter. However, such limits may be altered and changed from time to time as provided by the Constitution and laws of the State of Georgia pertaining to counties.

**Sec. 1-103. Status of unified government as municipal corporation and county.**

The unified government shall be deemed to be both a municipal corporation and a county throughout the total territory of said government. It is the express intention of this section to declare as a city and as a part of the unified government all of the area of Chattahoochee County except as otherwise provided in this Charter.

**Sec. 1-104. Powers of the unified government.**

(a) The Unified Government of Cusseta-Chattahoochee County, Georgia, shall have all powers of self-government authorized by the Constitution and not otherwise prohibited by the laws of Georgia.

(b) In addition to the foregoing, the unified government shall have all rights, powers, duties, privileges, and authority that the City of Cusseta or Chattahoochee County, or both, have under the Constitution and general and local laws of the State of Georgia at the time of adoption of this Charter, except as herein expressly modified. This authority shall include but shall not be limited to the authority to adopt home rule ordinances and resolutions as provided in Article IX, Section II of the Constitution of the State of Georgia.

(c) In addition to the foregoing, the unified government shall have all rights, powers, duties, privileges, and authority herein conferred or herein enlarged, and such other rights, powers, duties, privileges, and authority as may be necessary and proper for carrying the same into execution, and also all rights, powers, duties, privileges, and authority, whether express or implied, that may be now vested in or hereafter granted to counties or municipal corporations, or both, by the Constitution and laws of the State of Georgia, including the powers vested in the unified government by this Charter.

(d) The unified government, in addition to the rights, duties, powers, privileges, and authority expressly conferred upon it by this Charter, shall have the right, duty, power, privilege, and authority to exercise and enjoy all other powers, duties,

functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security, and general welfare of said government and its constituents and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs, and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions.

(e) No enumeration of any right, power, privilege, or authority hereinafter made shall be construed as limiting or abolishing any right, power, privilege or authority hereinabove set forth.

(f) In addition to and supplementary to all other powers which it may possess, and by way of illustration and not of limitation, the unified government shall have the powers specifically enumerated in Section 7-114 of this Charter.

**Sec. 1-105. Taxing districts.**

(a) The unified government shall divide the county into two or more taxing districts. Such taxing districts shall include one district coterminous with the former boundaries of the City of Cusseta, and within such district such taxes shall be levied as may be necessary to retire any bonded indebtedness of the City of Cusseta, which is outstanding on the effective date of the abolishment of the City of Cusseta. Additionally, in the taxing district of the former City of Cusseta, the unified government shall levy such taxes as are necessary to retire any other indebtedness of the City of Cusseta which is outstanding on the effective date of the abolishment of the City of Cusseta. Such taxing districts may also include one or more service districts.

(b) Taxes shall be assessed, levied, and collected in accordance with the kind, character, type, degree, and level of services provided by the government within said service districts, and the rate and manner of taxation may vary in any one district from that in another or other districts.

(c) The unified government may also establish special services districts, which shall embrace such territory or territories for which provision is made by the Commission for additional or higher levels of services provided by the unified government.

(d) In the establishment or modification of service districts and special services districts, the unified government shall hold one or more public hearings thereon at which all interested persons affected thereby shall have an opportunity to be heard. Notice of the time, place, and date of such hearings shall be published in the official legal organ of Chattahoochee County at least once a week during the two weeks immediately preceding the date of hearing.

**Sec. 1-106. Construction.**

The powers of the unified government shall be construed liberally in favor of the unified government. The specific mention or failure to mention particular powers in this Charter shall not be construed as limiting in any way the general powers of the unified government as provided in this article. It is the intention hereof to grant to the unified government full power and right to exercise all governmental authority authorized by the Constitution and laws of Georgia which is necessary for the effective operation and conduct of the unified government within its territory and for the conduct of all of its affairs.

**ARTICLE II. LEGISLATIVE ARTICLE**

**CHAPTER 1. THE COMMISSION**

**Sec. 2-101. Name and composition.**

There is hereby created the "Commission of Cusseta-Chattahoochee County, Georgia." Membership on the Commission is a part-time position. The Commission shall consist of five members elected at-large for specified posts.

**Sec. 2-102. Term of office; qualifications; disqualifications.**

(a) The term of office of all members of the Commission, except for the initial terms of the initial members, shall be four years with mem-

bers serving until their successors are elected and qualified. A Commissioner appointed or elected to fill a vacancy shall serve only for the balance of the unexpired term as provided in Section 2-106 of this Charter. All terms of office following the initial terms shall commence at the first regular meeting in January next following the election.

(b) No person shall be eligible for election or appointment to the Commission unless such person, on or before the date of election or appointment, shall have attained the age of 21 years, shall be a qualified voter of the unified government, and shall have resided within the county for one year on the date of qualifying for election. A member of the Commission shall continue to reside within the county during such member's term of office.

(c) No member of the Commission, during that member's term of office, shall hold any other federal, state, or local government elected or appointed office.

**Sec. 2-103. Salary and expenses of the commission.**

(a) The salary of each Commissioner shall be \$3,600.00 per year, payable in equal monthly installments. The Chairman shall receive an additional \$600.00 per year, payable in equal monthly installments.

(b) In addition to the salary, Commissioners shall be reimbursed for all direct expenses incurred in carrying out the duties and responsibilities of the unified government.

(c) The salary of members of the Commission may be changed by ordinance or resolution, in the manner specified for county governing authorities in Code Section 36-5-24 of the O.C.G.A. [O.C.G.A. § 36-5-24] or any similar future general law of the State of Georgia.

**Sec. 2-104. Organization; oath; rules; quorum; meetings; records.**

(a) The Commission shall meet for organization and swearing-in purposes on the first Monday in January next following its election or as soon thereafter as practicable. At this meeting, the newly elected or reelected Commissioners

shall each take the following oath of office, to be administered by the judge of the probate court or any other person duly authorized to administer oaths:

"I do solemnly swear (or affirm) that I will well and truly perform the duties of Commissioner of the Unified Government of Cusseta-Chattahoochee County, 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, so help me God."

(b) The Commission, by majority vote, shall adopt rules of procedure governing the transaction of its business consistent with the provisions of this Charter, shall adopt by ordinance or resolution the time, date, and place for regular meetings, which will be held at least once each month, and shall provide for keeping minutes of its proceedings by the Manager as provided in Section 3-102 of this Charter.

(c) At its first organization meeting, the Commission shall select the date when it will hold its regular monthly meetings.

(d) Three of the five members of the Commission shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time.

(e) Special meetings of the Commission may be called by the chairperson or by any three Commissioners upon no less than 24 hours' written notice to each member served personally or left at the usual place of business or residence of such member. Such notice of a special meeting may be waived in writing either before or after the meeting. Subject to subsection (d) of Code Section 50-14-1 of the O.C.G.A. [O.C.G.A. § 50-14-1(d)], special meetings may be held at any time without notice to all Commissioners, upon attendance at such meeting by all members of the Commission, or by waiver of notice of those not in attendance.

(f) All meetings of the Commission, except for those exceptions provided for in general law, shall be public and any citizen shall have access to the minutes and records thereof at reasonable times.

(g) At its first meeting in January of each year, a chairperson and vice-chairperson shall be elected by and from the membership of the Commission to serve for terms of one year. Such an election shall take place at the first regular meeting of the Commission each year and whenever necessary to fill a vacancy in either office.

#### **Sec. 2-105. Powers of the commission.**

(a) All legislative powers of the unified government of Cusseta-Chattahoochee County, Georgia, including any such powers, which may hereafter be conferred by law upon said government, shall be vested exclusively in and exercised by the Commission in accordance with the provisions of this Charter.

(b) In addition to its legislative powers, the Commission shall specifically have the power to:

- (1) Adopt and from time to time amend the budget;
- (2) Approve or reject recommendations concerning the appointments of the Manager, Attorney, and Auditor; and
- (3) Remove from office the Manager, Attorney, and Auditor by majority vote of the entire Commission.

(c) In the exercise of its powers, the Commission shall adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Charter, as may be necessary or proper for the purpose of carrying into effect the powers conferred by this Charter and for the promotion and protection of the safety, health, peace, security, and general welfare of the inhabitants of the Cusseta-Chattahoochee County, Georgia, and may enforce such ordinances, resolutions, rules, and regulations by imposing penalties for violations thereof, as prescribed by ordinance, by a fine not exceeding \$1,000.00 or by imprisonment for a period not exceeding 60 days, or both.

(d) Except as otherwise provided by the Constitution, general or local law, or this Charter, the Commission may by ordinance or resolution create, change, alter, combine, abolish, consolidate, and redefine the manner of appointment, membership, powers, and duties of bureaus, boards,



commissions, departments, divisions, authorities, offices, and agencies of the unified government, including positions of public employment, and may transfer and delete functions and assign additional functions to any bureaus, offices, agencies, departments, divisions, boards, authorities, commissions, and positions of public employment existing under this Charter. The Commission may by ordinance or resolution transfer all the assets, liabilities, and obligations thereof to a department, a division, or other unit of a department of the unified government, which shall have the power, and its duty shall be, to perform and exercise all the functions and powers theretofore performed and exercised by such board, commission, authority, division, agency, bureau, office, department, or position of public employment.

This subsection, however, does not apply to any authorities or boards, which were created by either a local constitutional amendment or by a local Act of the General Assembly.

(e) The Commission shall have the power to conduct or cause to be conducted inquiries and investigations of the operations of any office, department, or agency or the conduct of any officer or employee thereof administering the affairs of the unified government. In conducting inquiries and investigations, the Commission shall have the right to administer oaths; subpoena witnesses, documents, records, or other evidence; take testimony; and require the production of evidence. The conduct of proceedings at Commission inquiries and investigations shall be subject to such rules and regulations as the Commission may prescribe by general ordinance or resolution.

(f) The Commission shall provide for the form of oaths and the amount and condition of surety bonds as may be required of any officer or employee of the unified government.

(g) The Commission shall have and exercise such other powers as conferred upon it by this Charter and the laws of Georgia.

**Sec. 2-106. Filling of vacancies.**

(a) In the event that the office of a member of the Commission shall become vacant by reason of death, resignation, or any other cause, and the term shall expire in less than 180 days, the

vacant position shall be filled by appointment by the remaining members of the Commission. Any individual so appointed must have the same qualifications required for election to the office.

(b) If the term of the vacant Commission position will continue for more than 180 days, a special election shall be held as provided in this Charter and in general state law to elect a new member of the Commission to serve for the remainder of the term.

**CHAPTER 2. LEGISLATIVE PROCEDURE**

**Sec. 2-201. Legislation by ordinance.**

Every official act of the Commission which, is to have the force and effect of law, shall be by ordinance and shall begin with the words: "The Commission of Cusseta-Chattahoochee County, Georgia, hereby ordains". All other acts of the Commission shall be by resolution or shall take such other form as prescribed by its rules.

**Sec. 2-202. Introduction, consideration, and passage of ordinances and resolutions.**

(a) Every proposed ordinance and every amendment shall contain not more than one subject which shall be clearly expressed in its title.

(b) Every proposed ordinance and every amendment shall be introduced in writing.

(c) Prior to the introduction of any ordinance, copies of it shall be prepared by the Manager and distributed to each member of the Commission and to the Attorney. It shall be the duty of the Attorney to review the draftsmanship and impact of each ordinance. Within seven days after a proposed ordinance has been introduced, the Manager shall cause to be published in a newspaper of general circulation designated as the legal organ of the unified government a brief description of the subject and purpose of the ordinance and notice of the availability of the proposed ordinance for public inspection in the office of the Manager.

(d) A summary of every proposed ordinance shall be read upon first introduction and by title at the next regular meeting not less than fourteen days following the meeting of its introduction. In no event however, except for emergency ordinances, may any ordinance be voted on in less than fourteen days after it is introduced.

(e) The adoption of any ordinance shall be by the affirmative vote of at least three of the five Commissioners.

(f) The passage of all ordinances shall be contingent upon the recording of the "ayes" and "nays" of each Commissioner, and the names of the Commissioners voting for and against each proposed ordinance or amendment, those abstaining, and those absent shall be entered upon the minutes of the proceedings of the Commission.

(g) Resolutions may be adopted at any regular or special called meeting provided same shall be by the affirmative vote of at least three of the five commissioners.

### **Sec. 2-203. Emergency ordinances.**

To meet a public emergency threatening life, health, property, or public safety, the Commission may adopt emergency ordinances; provided, however, that such ordinances may not be enacted to levy taxes; to grant, renew, or extend a franchise; to regulate the rate charged for any public utility or service; or to authorize the borrowing of money unless it shall be repaid in 30 days or less. An emergency ordinance shall be in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain a declaration stating what emergency exists. An emergency ordinance may be adopted with or without amendment or it may be rejected at the meeting at which it is introduced, but the affirmative vote of at least four of the five members of the Commission shall be required for adoption. An emergency ordinance shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed on the thirtieth day following the date on which it was adopted; but if the emergency still exists, this shall not prevent reenactment of the ordinance in the manner specified in this section. An emer-

gency ordinance may also be repealed by adoption of a regular repealing ordinance or an emergency repealing ordinance.

### **Sec. 2-204. Authentication; recording; effective date.**

All ordinances which have become law shall immediately be deposited in the official archives of the Manager. The Manager shall note on the face of the ordinance the date and time it has become law and the ordinance shall become effective at noon on the day following it becoming law or at such later time as it may specify. The Manager shall authenticate by his or her signature each ordinance which has become law.

### **Sec. 2-205. Codes of technical regulations.**

(a) The Commission may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally.

(b) Copies of any adopted code of technical regulations shall be made available by the Manager for public inspection and for purchase at a reasonable price as fixed by the Commission.

### **Sec. 2-206. Codification of ordinances.**

The Commission shall provide for the preparation of a general codification of all ordinances of a general or permanent nature as provided in Code Section 36-80-19 of the O.C.G.A. [O.C.G.A. § 36-80-19].

### **Sec. 2-207. Prima-facie evidence.**

A record or entry made by the Manager or a copy of such record or entry, duly certified by the Manager, shall be prima-facie evidence of the terms of every ordinance and its due publication.

**CHAPTER 3. ETHICS AND PROHIBITED PRACTICES**

**Sec. 2-301. Conflict of interest.**

No elected official, appointed officer, or employee of Cusseta-Chattahoochee County, Georgia, or any agency or political entity to which this Charter applies shall knowingly:

- (1) Engage in any business or transaction in which the person has a financial interest, which is incompatible with the proper discharge of official duties;
- (2) Disclose confidential information concerning the property, government, or affairs of the governmental body by which such person is engaged or is a member of without proper legal authorization or use that information to advance the financial or other private interest of such person or others;
- (3) Accept any gift that has a value of \$100.00 or more from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in business dealings with the governmental body he or she is a member of or by which such person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any campaign;
- (4) Represent private interests other than his or her own in any action or proceeding against Cusseta-Chattahoochee County, Georgia, or any portion of its government; or
- (5) Vote or otherwise actively participate in the negotiation or the making of any contract between Cusseta-Chattahoochee County, Georgia, and any business or entity in which he or she has a financial interest.

**Sec. 2-302. Disclosure.**

Any elected official, appointed officer, or employee of the unified government or of any board, commission, authority, or agency thereof

who shall have any private financial interest, direct or indirect, in any contract or matter pending before or within any department of the unified government shall disclose such private interest to the Commission. Any Commissioner who has a private interest in any matter pending before the Commission shall disclose such private interest and such disclosure shall be entered on the records of the Commission, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any board, commission, authority, or agency of the unified government who shall have any private financial interest, direct or indirect, in any contract or matter pending before or within such entity, shall disclose such private interest to the Commission.

**Sec. 2-303. Testimony of public officials relating to public affairs.**

Any officer or employee of the unified government or of any board, commission, authority, or agency thereof who is duly and properly called as a witness before any unified government, state, or federal judicial or administrative tribunal and who shall before such tribunal fail to answer any proper question concerning the performance of his or her official duties shall be guilty of a violation of this Charter.

**Sec. 2-304. Contracts voidable and rescindable.**

Any contract by the unified government or any board, commission, authority, agency, or entity thereof made in violation of the provisions of this Charter shall be voidable or rescindable at the option of the Commission at any time if any elected official, appointed officer, or employee of such unified government or board, commission, authority, agency, or entity thereof has any interest in such contract and does not disclose such interest in accordance with Section 2-302 of this Charter.

**Sec. 2-305. Hearings and determinations.**

Upon the sworn complaint of any person alleging facts which if true would constitute a

violation of this Charter, the Commission may conduct a public hearing at which the accused shall be given an opportunity to be heard, either personally or through counsel. At the conclusion of such hearing, the Commission, with the exception of any commissioner who stands accused shall, in written findings of fact and conclusions based thereon, make a determination by a majority of the Commission concerning the propriety of the conduct of the official or employee in question.

**Sec. 2-306. Removal of the chairman or commissioner; procedure for removal.**

(a) The chairman or any commissioner shall be subject to removal from any office for any one (1) or more of the following causes:

- (1) Incompetence, misfeasance or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude or a crime punishable as a felony;
- (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
- (4) Violation of Ethics and Prohibited Practices as set forth in Article II, Chapter 3 of this Charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this Charter or by law.

(b) Removal of an elected officer provided for in this Section from office may be accomplished by one (1) of the following methods:

- (1) By affirmative vote of four (4) members of the Commission. In the event an elected officer is sought to be removed by the action of the Commission, such officer shall be first entitled to a written notice specifying the grounds for removal and to a public hearing which shall be held not less than 30 days after the service of such written notice. Any elected officer

sought to be removed from office as herein provided shall have the right of appeal from the decision of the Commission to the superior court for a jury trial de novo. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

- (2) By information filed in the superior court as authorized by Code Section 9-6-64 of the O.C.G.A. [O.C.G.A. § 9-6-64], as amended.

**ARTICLE III. ADMINISTRATION**

**CHAPTER 1. OFFICERS**

**Sec. 3-101. Manager and Assistant Manager; appointment; qualifications.**

(a) The Manager shall be appointed as the full-time administrative officer of the unified government. No person holding an elective office in Cusseta-Chattahoochee County shall be eligible for appointment until one year after leaving elective office. Such appointment shall be by a majority vote of the total membership of the Commission. The Manager shall be prohibited from engaging in any political activity, and the Manager shall not be eligible to qualify as a candidate for an elective office in Cusseta-Chattahoochee County for one year after leaving office. The Manager need not be a resident of Cusseta-Chattahoochee County at the time of his or her employment, but shall establish residence within a thirty (30) mile radius of the Chattahoochee County Courthouse within six months of such appointment and continue to reside within such radius throughout such appointment.

(b) The Assistant Manager is subject to appointment and removal by the Manager but is subject to the same qualifications as the Manager. The Assistant Manager shall assist the Manager in the performance of the Manager's duties. (U.G. Ord. No. 2020-3, §§ 1, 2, 6-2-2020; U.G. Ord. No. 2022-2, § I, 8-2-2022)

**Sec. 3-102. Manager; powers and duties.**

- (a) The Manager shall be responsible for:
  - (1) The management and coordination of the operations and activities of the various departments and agencies of the unified government;
  - (2) The appointment and removal of all heads of departments who are subject to his or her control and direction as provided for by this Charter but only after having first obtained the advice and consent of the commission;
  - (3) The preparation of the proposed annual budget;
  - (4) Keeping the Commission at all times fully advised as to the financial condition and needs of the unified government;
  - (5) Conducting studies and investigations and making reports thereon to the Commission concerning the operations of the departments, offices, and agencies of the unified government;
  - (6) Requiring any department, board, commission, or agency under the Manager's jurisdiction to submit written reports and to provide other information as deemed necessary;
  - (7) Prescribing, requiring, publishing, and implementing standards of administrative, management, and operating practices and procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the unified government which are subject to the Manager's supervision and jurisdiction;
  - (8) Acting as the purchasing agent of Cusseta-Chattahoochee County; and
  - (9) Maintaining all required records of the operations and activities of Cusseta-Chattahoochee County, including the minutes of all meetings of the Commission of Cusseta-Chattahoochee County.

(10) Perform such other duties as may be required by law, this Charter, Ordinance or resolution of the Commission.

(11) Directing and supervising the administration of the construction, maintenance, and operation of public streets, sidewalks, roads, bridges drains and buildings and other public works.

(b) Except for the purpose of inquiry and investigation, the Commission shall deal with employees of the unified government who are subject to appointment and removal by the Manager solely through the Manager and shall not give orders or directions to any such employee, either publicly or privately, directly or indirectly.

**Sec. 3-103. Attorney; appointment; term; qualifications; duties; compensation.**

(a) The Attorney shall be appointed by a majority vote of the entire Commission and at any time may be removed for cause after written notice and hearing by a majority vote of the entire Commission.

(b) The Attorney shall be an active member of the State Bar of Georgia in good standing and shall satisfy any other qualifications established by ordinance and shall have had at least five (5) years experience in active practice of the law.

(c) The Attorney shall be the legal counsel to the unified government and shall perform such other duties as may be required by this Charter or by ordinance.

(d) The compensation of the Attorney shall be as prescribed by a duly adopted ordinance or resolution.

**Sec. 3-104. Sheriff.**

The Sheriff of Chattahoochee County in office on the effective date of this Charter shall be the Sheriff of Cusseta-Chattahoochee County, Georgia. The Sheriff shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for Sheriff shall be on the same basis as provided by law for the election of sheriffs generally. The Sheriff shall be responsible for the operation of

the jail, the transport of prisoners, the service of process, and such other duties being provided on the effective date of this Charter. The Sheriff shall have such other or different powers and duties as provided by the Constitution and laws of Georgia.

**Sec. 3-105. Judge of the probate court.**

The Judge of the Probate Court of Chattahoochee County in office on the effective date of this Charter shall be the Judge of the Probate Court of Cusseta-Chattahoochee County, Georgia. The Judge of [the] Probate Court shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for the Judge of the Probate Court shall be on the same basis as provided by law for the election of probate judges generally. The Judge of the Probate Court shall perform the same duties and exercise the same powers as conferred on probate judges generally by the Constitution and laws of Georgia.

**Sec. 3-106. Clerk of superior court.**

The Clerk of Superior Court of Chattahoochee County in office on the effective date of this Charter shall be the Clerk of Superior Court of Cusseta-Chattahoochee County, Georgia. The Clerk of Superior Court shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for the Clerk of Superior Court shall be on the same basis as provided by law for the election of clerks of superior court generally. The Clerk of Superior Court shall perform the same duties and exercise the same powers as conferred on clerks of superior court generally by the Constitution and laws of Georgia.

**Sec. 3-107. Tax commissioner.**

The Tax Commissioner of Chattahoochee County in office on the effective date of this Charter shall be the Tax Commissioner of Cusseta-Chattahoochee County, Georgia. The Tax Commissioner shall serve for the same term as provided by law, and the compensation shall be fixed as provided by law. Subsequent elections for Tax Commissioner shall be on the same basis

as provided by law for the election of tax commissioners generally. The Tax Commissioner shall perform the same duties and exercise the same powers as conferred on tax commissioners generally by the Constitution and laws of Georgia.

**Sec. 3-108. Coroner.**

The Coroner of Chattahoochee County in office on the effective date of this Charter shall be the Coroner of Cusseta-Chattahoochee County, Georgia. The Coroner shall serve for the same term as provided by law, and compensation shall be fixed as provided by law. Subsequent elections for Coroner shall be on the same basis as provided by law for the election of coroners generally. The Coroner shall perform the same duties and exercise the same powers as conferred on coroners generally by the Constitution and laws of Georgia.

CHAPTER 2. ADMINISTRATIVE AND SERVICE DEPARTMENTS

**Sec. 3-201. Creation and functions; generally.**

Except as otherwise provided by this Charter or by law, the administrative and service departments of the unified government shall be created and established by ordinance or resolution and shall perform such functions, duties, services, and responsibilities as enumerated therein and as prescribed by administrative regulations.

**Sec. 3-202. Administrative reorganization.**

The Commission may, by ordinance or resolution, reorganize, combine, consolidate, or discontinue any department or agency of the unified government subject to the jurisdiction of the Commission and may, by ordinance or resolution, prescribe the functions and duties thereof and may establish, abolish, or alter all non-elective officers and positions of employment as necessary for the proper administration of the unified government.

**Sec. 3-203. Appointment of directors of departments.**

The Assistant Manager, directors, and assistant directors of departments under the supervision and direction of the Manager shall be appointed by the Manager subject to the advice and consent of the Commission. The assistant manager, directors, and assistant directors of all such departments shall serve at the pleasure of the Manager subject to the advice and consent of the Commission.

(U.G. Ord. No. 2022-2, § II, 8-2-2022)

**Sec. 3-204. Departments under state law.**

All departments which are created pursuant to state or federal law and which administer various state and federal programs and services shall continue their operations without interruption resulting from the adoption of this Charter.

CHAPTER 3. MERIT SYSTEM OF PERSONNEL ADMINISTRATION

**Sec. 3-301. Establishment of merit system.**

(a) The Commission may establish, by ordinance, a Merit System of Personnel Administration for Cusseta-Chattahoochee County, Georgia. In such case, all positions in the service of Cusseta-Chattahoochee County, Georgia, shall be in the Classified (Merit System) Service except the following which are declared to be in the Unclassified Service:

- (1) Officers elected by the people and persons appointed to fill vacancies in elective offices;
- (2) Members of boards and commissions;
- (3) Directors of departments;
- (4) Persons temporarily employed in a professional or scientific capacity or to conduct a special inquiry, investigation, examination, or installation;
- (5) Temporary and part-time employees; and

(6) Such other employees as may be excluded from coverage under the merit system as provided by ordinance or resolution or other applicable law.

(7) The manager and attorney.

(b) The Merit System of Personnel Administration, if so established, shall provide for classification of positions, the manner and method of publicizing vacancies, employing and appointing personnel, the qualifications of employees, employee performance evaluations, salaries, hours of employment, vacations, sick leave, special workers' compensation, job security, promotion, demotion, disciplinary procedures, transfer, layoff, removal, welfare of employees, retirement policy, payment of premiums of employee insurance benefits, grievance procedures, service awards, training leave, and any other measures that promote the hiring and retaining of capable, diligent, and honest career employees, all of which shall be in accordance with the concept of affirmative action as provided by federal law.

CHAPTER 4. BOARDS, COMMISSIONS, AND AUTHORITIES

**Sec. 3-401. Certain boards, commissions, and authorities continued.**

All existing boards, commissions, and authorities are continued without interruption on the effective date of this Charter.

ARTICLE IV. JUDICIARY

**Sec. 4-101. Superior court and district attorney; unaffected by Charter; redesignation.**

The Superior Court of Chattahoochee County, including the office of the District Attorney, shall continue its operations without interruption resulting from the adoption of this Charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Superior Court of Cusseta-Chattahoochee County, Georgia.

**Sec. 4-102. Juvenile court; unaffected by Charter; redesignation.**

The Juvenile Court of Chattahoochee County shall continue its operations without interruption resulting from the adoption of this Charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Juvenile Court of Cusseta-Chattahoochee County, Georgia.

**Sec. 4-103. Probate court; unaffected by Charter; redesignation.**

The Probate Court of Chattahoochee County shall continue its operations without interruption resulting from the adoption of this Charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Probate Court of Cusseta-Chattahoochee County, Georgia.

**Sec. 4-104. Magistrate court; unaffected by Charter; redesignation.**

The Magistrate Court of Chattahoochee County shall continue its operations without interruption resulting from the adoption of this Charter, and nothing herein shall be construed as affecting the status of said court. The court shall be known as the Magistrate Court of Cusseta-Chattahoochee County, Georgia.

**Sec. 4-105. Municipal Court of the City of Cusseta; continuation of operations in the magistrate court and probate court of the unified government.**

On the effective date of this Charter, the Municipal Court of the City of Cusseta shall be abolished, and all jurisdiction and pending matters of the municipal court shall be transferred to the Magistrate Court or Probate Court of Cusseta-Chattahoochee County, Georgia.

**Sec. 4-106. Municipal Court of Cusseta-Chattahoochee County, Georgia.**

The Board of Commission of Cusseta Chattahoochee County, shall have the authority to

establish a Municipal Court of Cusseta-Chattahoochee County, by appropriate ordinance, in accordance with the laws of the State of Georgia. (U.G. Ord. No. 2018-1, 3-6-2018)

**ARTICLE V. ELECTIONS**

**CHAPTER 1. CONDUCT OF ELECTIONS**

**Sec. 5-101. Applicability of general laws.**

Except as otherwise provided by this Charter, primaries and regular and special elections shall be conducted in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A. [O.C.G.A. title 21, ch. 2], the "Georgia Election Code." As used in said Code, the terms "election" or "general election" shall be construed to include the term "regular election" as provided in this Charter; the term "governing authority" shall include the Commission of Cusseta-Chattahoochee County, Georgia; the terms "municipal," "municipality," or "county" shall include Cusseta-Chattahoochee County, Georgia; and the term "public office" shall include elective offices of Cusseta-Chattahoochee County, Georgia. Pursuant to the authority granted in Article 9 Section 3 paragraph 2(a) of the Georgia Constitution and the authority granted in Senate Bill No. 228 Act No. 149 section 6(b) approved by the Governor on April 13, 2001 (Ga. Laws 2001, p. 4305) elections for members of the Commission of the unified government shall be conducted in nonpartisan primaries and elections.

**Sec. 5-102. Regular election; time for holding; voting.**

Except for the initial elections which may or may not be held on the date of regular state elections, regular elections for the elective public offices of Cusseta-Chattahoochee County, Georgia, shall be held on the same Tuesday in November when regular state elections are held.

**Sec. 5-103. Special elections.**

All special elections shall be held and conducted in accordance with applicable provisions of



Chapter 2 of Title 21 of the O.C.G.A. [O.C.G.A. title 21, ch. 2], the "Georgia Election Code," that govern the conduct of county elections.

**CHAPTER 2. BOARD OF ELECTIONS**

**Sec. 5-201. Definitions.**

As used in this act, the term:

- (1) "Board" means the Cusseta Chattahoochee County Board of Elections and Registration.
- (2) "Commissioners" means the Cusseta Chattahoochee County Board of Commissioners.
- (3) "County" means Cusseta Chattahoochee County.
- (4) "Election," "elector," "primary," and "public office" shall have the same meanings as ascribed to those terms by O.C.G.A. § 21-2-2, unless otherwise clearly apparent from the text of this act.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-202. Purpose.**

Pursuant to O.C.G.A. § 21-2-40.1, there is created a board of elections and registration for Cusseta-Chattahoochee County which shall have jurisdiction over the conduct of primaries and elections and the registration of electors in such county in accordance with the provisions of this act. Such board shall be known as the Board of Elections and Registration for the Unified Government of Cusseta-Chattahoochee County.

The board shall have the powers and duties of the election superintendent relating to the conduct of primaries and elections and shall have the powers and duties of a board of registrars relating to the registration of voters and absentee balloting procedures.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-203. Board authorized generally.**

(a) The board shall be composed of three members, each of whom shall be an elector and resident of the Cusseta-Chattahoochee County and shall be appointed by the county governing authority.

(b) The initial members of the board shall be appointed for terms of office beginning January 1, 2025. All members of the board shall be appointed by the Board of Commissioners. The Commissioners shall designate one of the initial members to serve for a term ending on December 31, 2026, and two of the initial members to serve for a term ending on December 31, 2028, and until their respective successors are appointed and qualified. The subsequent terms shall be for a four-year period, and until successors are appointed and qualified.

(c) No person who holds or qualifies as a candidate for elective public office shall be eligible to serve as a member of the board during the term of such office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-204. Board member appointment.**

(a) The appointment of each member shall be made by the Commissioners filing an affidavit with the clerk of the superior court no later than 30 days preceding the date upon which such member is to take office, stating the name and residential address of the person appointed and certifying that such member has been duly appointed as provided in this act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

(b) The executive committees of the political parties in Cusseta-Chattahoochee County whose candidates at the last preceding regular general election held for the election of Governor that received the largest and second largest number of votes in this state for Governor may submit a list of recommended appointees to the Board of Commissioners for appointment to the Board of Elections; provided, however, that such govern-

ing authority is under no obligation to appoint any person listed on such list of recommended appointees.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-205. Succession; resignation; removal.**

Each member of a board shall be eligible to succeed himself or herself, provided that no member shall serve more than four consecutive terms on a board. Each member shall have the right to resign at any time by submitting written notice of resignation to the Commissioners and the clerk of the superior court. Each member of a board shall be subject to removal from such board at any time, for cause after notice and hearing, in the same manner and by the same authority as provided for removal of registrars.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-206. Vacancy appointment.**

In the event that a vacancy occurs on a board due to removal, death, resignation, or otherwise, except by expiration of term, the county governing authority shall appoint a successor for the remainder of the unexpired term. The clerk of the superior court shall be notified of interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-207. Oath.**

Before entering upon his or her duties, each member of a board shall take substantially the same oath as required by law for registrars. Each member of a board shall have the same privileges from arrest as registrars.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-208. Relief of powers and duties.**

On January 1, 2025, the previous election superintendent and the board of registrars of Cusseta-Chattahoochee County such county shall be relieved of all powers and duties to which the board succeeds by the provisions of this Code section; and such election superintendent and board of registrars shall deliver thereafter to the

chairperson of a board, upon his or her written request, the custody of all equipment, supplies, materials, books, papers, records, and facilities of every kind pertaining to such powers and duties.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-209. Authority.**

The board shall be authorized and empowered to organize itself, elect its officers, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decision by the board shall be by a majority of the members of the board present at any meeting at which there is a quorum. Every year, the board shall elect one of its members to serve as chairperson for a one-year term.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-210. Meetings.**

The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold regular monthly meetings at the county courthouse or such other locations as the board may prescribe. Any specially called meetings held pursuant to the bylaws adopted by the board shall be held only after notification of the time and place of the holding of such meeting has been communicated in writing to the elections supervisor who shall provide public notice of the meeting as required by law. All meetings of the board of whatever kind shall comply with the open meetings laws and open records laws of the State of Georgia. The board shall maintain a written record of policy decisions that shall be amended to include additions or deletions. Such written record shall be made available for the public to review.

(U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-211. Elections supervisor; employment.**

There shall be an elections supervisor to administer and supervise the conduct of elec-

tions and primaries and the registration of electors of the county. The board shall act within 30 days of its members taking office under this act, or of the date of any vacancy in such position, to submit and recommend for the position one to three names of qualified individuals to the County Manager, who shall hire an elections supervisor based on a job description drawn by the board. The County Manager may either hire one of the candidates submitted and recommended by the board or may reject all the candidates submitted and recommended by the board and hire another qualified candidate. The elections supervisor shall not be eligible to serve as a member of the board. The elections supervisor shall be considered a county employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and other purposes.

The board is authorized to recommend to the County Manager such other full-time or part-time employees as the board shall deem necessary and as are approved in the annual budget adopted by the Board of Commissioners. Any employees of the board shall be subject to the personnel policies of the Unified Government of Cusseta-Chattahoochee County and shall be considered a county employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and other purposes. Any employees of the board, including the elections supervisor, shall be subject to direction, evaluation, and corrective action by the county manager. (U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-212. Expenditure of public funds.**

With the consent of the Board of Commissioners, the board shall be authorized to expend public funds for the purpose of distributing sample ballots, voter information booklets, and other material designed to inform and adequately instruct the electors of the county with regard to elections. No material distributed by a board shall contain or express, in any manner or form, any commentary or expression of opinion or request for support with respect to any political issue or matter of political concern. (U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-213. Compensation.**

Compensation for the members of a board, employees of such board, and the election supervisor shall be fixed by each board with the approval of the governing authority of the county. Such compensation shall be paid from county funds. (U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-214. Offices and equipment.**

The Board of Commissioners shall provide the board and the elections supervisor with proper and suitable offices and equipment. (U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-216. Repealer.**

All laws and parts of laws in conflict with this act are repealed. (U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**Sec. 5-216. Effective date.**

This act shall become effective on November 3, 2024. (U.G. Ord. No. 2024-4, § 1, 11-12-2024)

**ARTICLE VI. REVENUE AND FINANCE**

**CHAPTER 1. TAXATION AND OTHER REVENUES**

**Sec. 6-101. Levy and Collection of taxes, fees, charges, and assessments; appropriations.**

(a) For the purpose of raising revenue for the support and maintenance of the government of Cusseta-Chattahoochee County, Georgia, the Commission shall have full power and authority to levy and collect taxes to the extent hereinafter provided and to appropriate funds and expend money:

- (1) For the purposes authorized by this Charter;
- (2) For the discharge of the powers, duties, obligations, liabilities, and functions specified in this Charter;

- (3) For any and all purposes and any and all subjects of taxation for which the City of Cusseta or Chattahoochee County may have been authorized and in accordance with those authorizations to levy and collect taxes and to appropriate and expend funds under the Constitution or any general or special law of Georgia applicable to the City of Cusseta or Chattahoochee County on the effective date of this Charter; and
- (4) For any purpose authorized by the Constitution or any general or special law of Georgia applicable to municipal corporations and counties generally now of force or hereafter enacted.
- (b) The Commission shall have full power and authority to levy and collect the following taxes, charges, and assessments:
- (1) Ad valorem taxes on all real and personal property situated within Cusseta-Chattahoochee County, Georgia, which is subject to taxation for state, county, and municipal purposes, or for any other public purpose, to the full extent permitted by the Constitution and laws of Georgia;
  - (2) Occupation and business license taxes that are not prohibited by the Constitution and general laws of Georgia;
  - (3) An excise tax on rooms, lodgings, or accommodations as now or hereafter provided by law for counties and municipalities;
  - (4) License fees and taxes on insurance companies as authorized by Code Sections 33-8-8 through 33-8-8.6 of the O.C.G.A. [O.C.G.A. §§ 33-8-8 through 33-8-8.6];
  - (5) A public utility franchise tax, fee, or both, on each electric light and power company, gas company, telephone and telegraph company, and other public utility making use of the roads, streets, alleys, or other public ways of the unified government for the purpose of rendering services therein;
  - (6) Franchise fees on cable television systems as now or hereafter provided by law for counties;
  - (7) Fees, assessments, and charges for the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, storm sewers, drainage structures, or other utility mains and appurtenances from the abutting property owners under any terms and conditions as provided by ordinance;
  - (8) Fees, assessments, charges, and tolls for sanitary and health services or any other services rendered within and outside the limits of the unified government under such terms and conditions as provided by ordinance;
  - (9) All other such taxes, charges, or assessments as the City of Cusseta or Chattahoochee County were authorized and empowered to make and collect upon the effective date of this Charter, which powers may be exercised throughout the area of the unified government, or appropriate portions thereof, including any tax now or hereafter authorized by state law and the specific mention of any right, power, or authority in this Charter shall not be construed as limiting in any way the general powers of the Commission to govern its local affairs. When authorized by this Charter or a statute or the Constitution of the State of Georgia, the Commission shall have full power and authority to assess, levy, charge, and collect taxes, rentals, interest, fees, penalties, fines, and costs; to receive income on investments; to accept funds, services, or property from other political subdivisions and public agencies, either local, state, or national, and from private persons, firms, or corporations; and to contract with them for any public purpose;
  - (10) An excise tax upon the sale of distilled spirits or alcoholic beverages for beverage purposes by the drink as now or hereafter provided by law for counties and municipalities;

(11) An excise tax upon the sale, transfer, or dispensing of malt beverages and alcoholic beverages within Cusseta-Chattahoochee County, Georgia, by wholesale or retail dealers as now or hereafter provided by law for counties and municipalities. In addition, the Commission shall have the authority to impose, assess, levy, and collect an excise tax upon the sale, transfer, or dispensing of wine by wholesale or retail dealers within Cusseta-Chattahoochee County, Georgia, as now or hereafter provided by law for counties and municipalities; and

(b)[(c)] Such other taxes and charges as provided by law.

**Sec. 6-102. Collection of delinquent taxes and fees.**

The collection of delinquent taxes and fees shall be as provided in state law for the collection of delinquent property taxes by counties.

CHAPTER 2. BORROWING AND INDEBTEDNESS

**Sec. 6-201. Issuance of general obligation bonds.**

(a) The Commission shall be authorized to issue and sell general obligation bonds, after approval of the qualified voters, under the provisions of the Constitution and general laws of Georgia for any public purpose for the benefit of the unified government or any tax area or service district thereof; provided, however, that for the purpose of issuing and selling such general obligation bonds, the unified government shall be deemed a county and the provisions of the Constitution and laws of Georgia governing the limitations, terms, and procedures for the issuance and sale of bonds by counties shall apply to the unified government unless otherwise provided by this Charter.

(b) All general obligation bonds shall be issued in the name of Cusseta-Chattahoochee County, Georgia, and shall be an obligation thereof, and the full faith and credit of the unified govern-

ment shall be pledged for all general obligation bonds issued thereunder which are payable from ad valorem taxes, and for such purpose, the Commission shall have the authority to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property within the territorial limits of the unified government.

**Sec. 6-202. Debt limitation; general obligation bonds.**

The total general obligation bond indebtedness of the unified government payable from ad valorem taxes (including all outstanding general obligation bonds of the former City of Cusseta and Chattahoochee County on the effective date of this Charter) shall not exceed 10 percent of the assessed value of all taxable property within the territorial limits of the unified government.

**Sec. 6-203. Revenue bonds.**

The Commission shall be empowered and authorized to issue revenue bonds for the purposes and in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the O.C.G.A. [O.C.G.A. title 36, ch. 82, art. 3], the "Revenue Bond Law."

**Sec. 6-204. Use of bond proceeds.**

All revenue derived by the unified government from the issuance and sale of bonds shall be used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes collected for the purpose of servicing or retiring such bonds shall be used exclusively for the payment of principal and interest thereof.

CHAPTER 3. FINANCIAL ADMINISTRATION

**Sec. 6-301. Fiscal year.**

The fiscal year of Cusseta-Chattahoochee County, Georgia, shall begin on the first day of July of each year and shall end on the thirtieth day of June next following. The fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and

every office, department, institution, agency, and activity of the unified government, unless otherwise provided by state or federal law.

**Sec. 6-302. Preparation of budgets.**

The preparation of an annual budget and a capital improvements budget shall be as prescribed by ordinance and provisions of this Charter.

**Sec. 6-303. Scope of budgets.**

(a) The annual budget should consist of two parts:

- (1) Part I of the annual budget shall apply only to the operating expenses of the unified government; and
- (2) Part II of the annual budget shall apply only to capital improvement expenses of the unified government.

(b) Each section of the annual operating and capital budget shall contain with respect to each of the operating funds of the government of Cusseta-Chattahoochee County, Georgia, to which they are applicable:

- (1) A reasonable estimate of cash revenues to be received during the ensuing year, classified according to source;
- (2) Proposed expenditures detailed by each department, board, commission, office, agency, and activity in accordance with an established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year and including all debt service requirements in full for such fiscal year; and
- (3) Such other information as may be considered necessary or desirable by the Manager or the Commission.

(c) In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus or fund balance and applicable reserves less any estimated deficit at the end of the current fiscal year.

(d) The capital improvements budget shall describe capital projects anticipated, the proposed expenditures therefore, and the revenues or other sources of funds anticipated to finance such capital projects.

**Sec. 6-304. Submission of budgets to the commission.**

On or before a date fixed by the Commission but not later than 60 days prior to the beginning of each fiscal year, the Manager of the unified government shall submit to the Commission a proposed operating budget and a proposed capital improvements budget for the ensuing fiscal year. The operating budget and the capital improvements budget, the budget message, and all supporting schedules shall be filed in the Manager's office and shall be open to public inspection.

**Sec. 6-305. Adoption of budgets.**

(a) The Commission may approve, reject, or modify the proposed budget. The budget as finally adopted must provide for all expenditures required by law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues constituting the resources available of such fund.

(b) The Commission shall adopt the final annual operating budget for the ensuing fiscal year not later than the thirtieth day of June of each year and such budget shall be effective for the fiscal year beginning on the first day of July. In the event the Commission fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year, with appropriate items prorated accordingly until such time as the Commission shall adopt a budget for the ensuing fiscal year. Adoption of the annual operating budget shall take the form of an appropriation ordinance or resolution setting out estimated revenues in detail by source and making appropriations accordingly to fund organizational units, purposes, or activities as set forth in the budget document.

(c) The amount set out in the adopted operating budget for each organizational unit, purpose, or activity shall constitute the annual appropriation for such item, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable.

(d) The Commission shall adopt by ordinance or resolution the capital improvements program and capital budget for the ensuing fiscal year not later than the thirtieth day of June of each year. The capital budget ordinance or resolution shall show in detail the capital expenditures intended to be made or incurred in the ensuing fiscal year that are to be financed from funds subject to control or appropriation by the Commission and shall be in full conformity with that part of the capital program applicable to the year which it covers. Amounts specified as intended to be spent out of new appropriations shall, upon enactment of the capital budget ordinance or resolution, constitute appropriations of such amounts.

**Sec. 6-306. Property tax levies.**

Following the adoption of the operating and capital improvements budgets for each fiscal year the Commission shall levy by ordinance or resolution a general tax on all real and personal property within the county and one or more taxes on all real and personal property in each service district and special services district. The tax rates set by such ordinance or resolution shall be such that a reasonable estimate of cash revenues from such levy shall be at least sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated in such budgets.

**Sec. 6-307. Limitation of funds.**

Upon certification by the Manager that the revenues or other resources actually realized with respect to any fund will be less than was anticipated and will be insufficient to meet the amounts appropriated from such fund, it shall be

the duty of the Manager upon the instruction of the Commission to limit such appropriations as may be necessary to prevent deficit operation.

**Sec. 6-308. Transfer of funds.**

Upon recommendation of the Manager, the Commission may make interfund or interdepartmental transfers in the current operating budget or capital improvements budget at any regular or special meeting called for such purpose, provided funds are also available.

**Sec. 6-309. Lapse of appropriations.**

All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made.

**Sec. 6-310. Annual audit.**

(a) The Commission shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the government of Cusseta-Chattahoochee County, Georgia, and of every office, department, board, commission, authority, or other agency. The audit shall be made by a certified public accountant who shall have no personal interest, direct or indirect, in the fiscal affairs of Cusseta-Chattahoochee County, Georgia, or of any of its departments, offices, boards, commissions, authorities, or agencies. The Commission shall by competitive bids, taking into consideration the lowest and best bid, designate such accountant or firm annually or for a period not exceeding three years.

(b) The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year and in no event later than six months after the close of the fiscal year. The audit report shall be filed with the Manager and made available to the public.

(c) The Commission may at any time order an examination or special audit of any office, department, board, commission, or other agency of Cusseta-Chattahoochee County, Georgia.

#### CHAPTER 4. PROCUREMENT AND DISPOSITION OF PROPERTY

##### **Sec. 6-401. Contracting.**

a. The Commission shall prescribe by ordinance or resolutions rules and regulations, which must be followed in the making of contracts in order to bind the government of Cusseta-Chattahoochee County, Georgia. Except where otherwise provided by law or by ordinance or resolution, all contracts of the government of Cusseta-Chattahoochee County, Georgia, shall be signed by the Chairperson and authenticated by the Manager.

b. All contracts and all ordinances or resolutions which make or authorize contracts shall be reviewed for form and legal sufficiency by the unified government attorney.

(c)[c.] All contracts entered into by the Commission with other persons on behalf of the unified government shall be in writing and entered on its minutes.

##### **Sec. 6-402. Sale and disposition of property.**

(a) The Commission is authorized to sell any real or personal property owned or held by Cusseta-Chattahoochee County, Georgia, and not needed for governmental or other public purposes in such manner as is required in state law for counties, as provided for in Code Sections 36-9-2 and 36-9-3 of the O.C.G.A. [O.C.G.A. §§ 36-9-2 and 36-9-3].

(b) The Commission is empowered to authorize the following transactions:

- (1) A transfer of any real or personal property owned by Cusseta-Chattahoochee County, Georgia, to another governmental entity upon finding that such transfer is in the public interest;
- (2) A sale of any such property to another governmental entity; and

- (3) An exchange of such property for property that is owned privately or by some other governmental entity.

In each instance, whether the property is transferred, sold, or exchanged, the requirements of a public sale shall not be required; but a statement thereof shall be published in the newspaper designated as the legal organ of the unified government once a week for the two weeks preceding the day in which such transaction is to be concluded. Such statement shall contain a description of the property or properties involved and the prices and estimated values as to each item of property.

(c) Cusseta-Chattahoochee County, Georgia, may quitclaim any rights it may have in property not needed for public purposes upon a report by the Manager of the unified government and the adoption by the Commission of a resolution, both finding that the property is not needed for public purposes and that the interest of the government of Cusseta-Chattahoochee County, Georgia, therein has no readily ascertainable monetary value.

(d) Whenever in opening, extending, or widening any street, avenue, alley, or public place of Cusseta-Chattahoochee County, Georgia, a small parcel or tract of land is cut off or separated by such work from a larger tract of land owned by Cusseta-Chattahoochee County, Georgia, the Commission may authorize the execution and deliverance in the name of the government of Cusseta-Chattahoochee County, Georgia, of a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way in said street, avenue, alley, or public place, or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances so executed and delivered shall convey all title and interest the government of Cusseta-Chattahoochee County, Georgia, has in such property.



**ARTICLE VII. GENERAL PROVISIONS**

**Sec. 7-101. Application of laws; laws in force.**

(a) The general laws of the State of Georgia of a criminal nature shall be applicable to and within the limits of the unified government.

(b) In construing the applicability of provisions of the Constitution and the general laws of Georgia which apply in general terms to either counties or municipalities, or both, and local Acts of the General Assembly that apply specifically to Chattahoochee County or the City of Cusseta, or both, the following terms as used in such laws shall be construed to include the unified government as follows:

- (1) "County" shall be construed to include Cusseta-Chattahoochee County, Georgia;
- (2) "City," "town," "municipal corporation," or "municipality" shall be construed to include Cusseta-Chattahoochee County, Georgia;
- (3) "Commissioners of Roads and Revenues" and "Board of County Commissioners" shall be construed to include the Commission of Cusseta-Chattahoochee County, Georgia;
- (4) "Council," "Mayor and Council," "Aldermen," and "Board of Aldermen" shall be construed to include the Commission of Cusseta-Chattahoochee County, Georgia;
- (5) "Chairman of the Commissioners of Roads and Revenues" and "Chairman of the Board of County Commissioners" shall be construed to include the Chairperson of the Commission of Cusseta-Chattahoochee County, Georgia;
- (6) "Mayor" shall be construed to include the Chairperson of the Commission of Cusseta-Chattahoochee County, Georgia; and
- (7) Any other terms and provisions as used in such Acts to refer specifically to Chattahoochee County or the City of Cusseta, or both, and the officers, employees, departments, and agencies thereof shall

be construed to mean Cusseta-Chattahoochee County, Georgia, and its officers, employees, departments, and agencies.

(c) In construing the applicability of laws in force to the unified government, the following order shall prevail:

- (1) The Constitution of the State of Georgia;
- (2) The general laws of uniform application now in force or hereafter enacted by the General Assembly (as distinguished from general laws of local application through classification by population) applicable to municipal corporations or counties, or both;
- (3) This Charter and all ordinances and resolutions passed pursuant thereto;
- (4) Special laws applicable to Chattahoochee County, not in conflict with this Charter;
- (5) Special laws applicable to the City of Cusseta, not in conflict with this Charter; and
- (6) Existing ordinances and resolutions of the former City of Cusseta and existing ordinances and resolutions of the former County of Chattahoochee not in conflict with this Charter.

**Sec. 7-102. Limitation on claims and service.**

(a) All contractual claims against the unified government shall be presented within 12 months after they accrue or become payable or the same as claimed, unless held by minors or other persons laboring under disabilities, who are allowed 12 months after the removal of such disability.

(b) Service on the unified government of any suit, process, or order of court shall be served upon the Manager.

**Sec. 7-103. Tort and nuisance liability.**

The tort and nuisance liability of the unified government shall follow the law and rules of tort liability applicable to counties in Georgia.

**Sec. 7-104. Conflict of laws.**

For purposes of all applicable laws, the unified government shall constitute a municipality and a county, or both. Except as otherwise provided by this Charter, if a law applicable to municipalities and the same or another law applicable to counties are in conflict, the law applicable to municipalities shall prevail.

**Sec. 7-105. Competitive bidding.**

The unified government must utilize competitive bidding procedures as required and in compliance with the General Law of the State of Georgia.

**Sec. 7-106. Execution of assessments.**

Whenever any tax or special assessment is authorized or empowered to be levied or imposed by this Charter which is required to be collected by the unified government and such is not paid within the time period specified by the Commission and no specific provision is elsewhere provided in this Charter for its collection, then the Manager shall issue execution in the name of the unified government against such person, firm, or entity liable therefore or property subject thereto for such sums as may be due with interest at the legal rate from due date and penalties and costs. The unified government shall have the right to enforce payment of such execution by levy and sale as in the case of county taxes, and the purchaser at such sale shall acquire the same title and rights as a purchaser at a sale for county taxes. Executions issued by the Manager of Cusseta-Chattahoochee County, Georgia, and the levy and sale thereunder shall be governed by general law.

**Sec. 7-107. Authority to deal with federal and state agencies.**

The unified government shall have the power and authority to participate in, cooperate in, and take all necessary action with respect to any and all projects, programs, and undertakings of any nature authorized by any statute, rule, or regulation of the United States, the State of Georgia, or any federal or state agency or instrumentality, including but not limited to community develop-

ment, highways, aviation, aviation terminals, airports, airport facilities, municipal, area, or regional development, sewer and sewage disposal, public housing, housing for the aged, and transportation or mass transit or any phase thereof; to borrow money and issue promissory notes, general obligation bonds, or revenue bonds or a combination thereof for any such purposes in accordance with provisions of this Charter; and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the unified government is the legal or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency.

**Sec. 7-108. Federal and state aid.**

The unified government shall be deemed a county but shall also be deemed an incorporated city or municipality for the purpose of determining its right to receive and for the purpose of receiving state aid or grant-in-aid from the state of Georgia or from the United States or from any agency or instrumentality thereof or from any other source, public or private. The unified government shall be entitled to receive as state aid or as grant-in-aid from the State of Georgia or from the United States or from any agency or instrumentality thereof or from any other source, public or private, all funds to which a county is, or may hereafter be, entitled, and also all funds to which an incorporated city or municipality is or may be hereafter entitled, and to receive the same without diminution or loss by reason of unification. When state aid or other grant-in-aid is distributed to any county on the basis of population or area, or both, then the entire population and the total area of Cusseta-Chattahoochee County, Georgia, shall be considered in calculating and determining the basis for such distribution.

**Sec. 7-109. Budgets of county officers and agencies.**

All elected officers and all agencies not under the direct control and jurisdiction of the Manager such as the Board of Health and the Board of Family and Children Services, which receive appropriations from the Commission, shall, on

the same date as is applicable to budgets submitted by department heads, submit to the Manager annual operating and capital budget requests for the ensuing fiscal year. Such budget requests, after any revisions therein by the Manager, shall be incorporated into the overall unified government budget for submission by the Manager to the Commission, which shall grant a hearing to any such officer or agency on such proposed budgets.

**Sec. 7-110. Existing pension rights protected.**

(a) Persons who, at the time this Charter takes effect, are employed by any office, department, board, commission, or agency of the former City of Cusseta shall retain all pension rights, which have accrued to them under any existing pension system. The unified government shall continue in force and effect any existing pension system for city employees covered thereby who are employed by the unified government, and the services of such employees shall not be deemed to have been interrupted by the adoption of this Charter.

(b) Persons who, at the time this Charter takes effect, are employed by any office, department, board, commission, or agency of the former County of Chattahoochee shall retain all rights, which have accrued to them under any existing pension system. The unified government shall continue in force and effect any existing pension system for county employees covered thereby who are employed by the unified government, and the services of such employees shall not be deemed to have been interrupted by the adoption of this Charter.

**Sec. 7-111. Establishment of new pension systems; merging of existing systems.**

The Commission is hereby authorized and empowered to establish and maintain a new pension system or pension systems affecting new employees and such other employees as desire to be covered thereby and to revise, combine, and consolidate any pension system in effect on the effective date of this Charter; provided, however,

that in no event shall any revision, combination, or unification of any existing pension system in effect when this Charter is adopted result in the curtailment or diminishment of any right accrued under any existing pension system to any person heretofore employed by the City of Cusseta, Chattahoochee County, or of any agency of such former governments.

**Sec. 7-112. Amending charter.**

This Charter may be modified, rescinded, changed, or amended by only the following methods:

- (1) An Act of the General Assembly of Georgia; or
- (2) An ordinance adopted by the Commission of Cusseta-Chattahoochee County, Georgia, as provided for in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia.

**Sec. 7-113. Fidelity bonds.**

All officers of the unified government, both elected and appointed, shall execute such official bonds in such amounts and upon such terms and conditions as the law or the Commission may require.

**Sec. 7-114. Examples of powers.**

The powers of Cusseta-Chattahoochee County, Georgia, shall include, but shall not be limited to, the following powers:

- (1) Ad valorem taxation: to levy, assess, and collect ad valorem taxes on all taxable property;
- (2) Other taxes: to levy, assess, and collect other taxes allowed by general law and in accordance therewith;
- (3) Business regulation and taxation: to levy, assess, and collect occupational and business taxes and to license and regulate occupations and businesses;
- (4) Appropriations: to make appropriations and expend funds for support of the unified government and any other lawful purpose;

- (5) Debts: to borrow money and issue bonds as authorized by general law;
- (6) Property: to own property and interests in property;
- (7) Gifts: to accept gifts and grants for any purpose related to the powers and duties of the unified government on such terms as the donor may impose;
- (8) Condemnation: to condemn property inside Cusseta-Chattahoochee County for present or future use;
- (9) Public utilities: to acquire, lease, operate, and dispose of public utilities;
- (10) Franchises: to grant franchises or make contracts for public utilities and to prescribe the conditions of such franchises and contracts;
- (11) Roadways: to open, maintain, improve, and close streets and roads and to grant franchises and rights of way thereon;
- (12) Public facilities: to acquire, operate, and dispose of public buildings, public projects, parks, cemeteries, recreational facilities, and other public improvements inside Cusseta-Chattahoochee County;
- (13) Building regulation: to regulate the building trades and the construction of buildings and to adopt and enforce building, housing, plumbing, electrical, gas, heating, and air-conditioning codes;
- (14) Planning and zoning: to adopt land use plans and exercise the power of zoning, subdivision regulation, and the like;
- (15) Police power: to exercise the police power for the public safety and well-being of the citizens of Cusseta-Chattahoochee County;
- (16) Roadside regulation: to prohibit or regulate signs, billboards, and other items upon or adjacent to streets and roads;
- (17) Health: to prescribe and enforce health and sanitation standards;
- (18) Pollution: to regulate emissions which pollute the air and water;
- (19) Fire safety: to fix fire limits and to prescribe and enforce fire safety regulations;
- (20) Public hazards: to provide for the destruction or removal of public hazards;
- (21) Waste disposal: to provide for and regulate the collection, disposal, and recycling of garbage and wastes;
- (22) Water and sewer fees: to fix and collect water and sewer fees;
- (23) Garbage fees: to fix and collect garbage fees;
- (24) Nuisances: to define and provide for the abatement of nuisances;
- (25) Property protection: to preserve and protect the property of the unified government;
- (26) Prisoners: to provide for public work by prisoners and for their confinement;
- (27) Animal control: to regulate or prohibit the keeping of animals;
- (28) Motor vehicles: to regulate the operation and parking of motor vehicles;
- (29) Taxicabs: to regulate vehicles operated for hire in Cusseta-Chattahoochee County;
- (30) Pensions: to provide and maintain a system of pensions and retirement for employees and officers of the unified government;
- (31) Special assessments: to levy, assess, and collect special assessments to cover the cost of public improvements;
- (32) Contracts: to enter into lawful contracts and agreements;
- (33) Agencies: to create, alter, or abolish departments, boards, offices, commissions, authorities, and agencies of the unified government and to confer appropriate authority upon them;
- (34) Penalties: to provide penalties for violations of ordinances of the unified government;

- (35) Police and fire protection: to exercise the power of arrest through appointed policemen and to operate a fire department;
- (36) Emergencies: to provide for the determination, proclamation, and combating of emergencies;
- (37) Urban redevelopment: to organize and operate an urban redevelopment program;
- (38) Public transportation: to organize and operate public transportation systems; and
- (39) General health, safety, and welfare: to define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of Cusseta-Chattahoochee County.

**Sec. 7-115. Section captions.**

The captions to the several sections of this Charter are informative only and are not to be construed as a part thereof.

**Sec. 7-116. Effect of repeals.**

No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein of the repealing Act or by any provision of this Charter that disclaims an intention to repeal or affect enumerated laws.

**Sec. 7-117. Severability clause.**

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared to be severable.

**Sec. 7-118. Repeal of conflicting laws.**

All laws and parts of laws in conflict with this Charter are hereby repealed.

**ARTICLE VIII. TRANSITION PROVISIONS**

**Sec. 8-101. Special election of first officials.**

(a) A special election shall be held on a date fixed by the county election superintendent but not later than 120 days following the date of approval of this Charter as provided in Section 8-110 of this Charter, for the purpose of electing the first members of the Commission of the unified government. The Superintendent of elections shall publish notice of the call for such election in the newspaper in which the Chattahoochee County Sheriff's advertisements appear at least 30 days prior to the date of such election. Candidates may qualify until 15 days before the date of the election.

(b) In all other respects, the election shall be held in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," applicable to county elections. Within 30 days following the approval of this Charter as provided in Section 8-110 of this Charter, the election superintendent of Chattahoochee County shall prepare a list of qualified voters for the five county wide posts. The officials elected at such election shall commence the term of their office on the effective date of this Charter.

(c) The qualifications for office for such initial election shall be as prescribed by applicable provisions of this Charter.

(d) Any elected official of Chattahoochee County or of any municipality lying wholly or partially therein who is otherwise qualified under this Charter shall be entitled to qualify and run for an office of the unified government.

**Sec. 8-102. Initial terms of office.**

The initial terms for Posts 1 and 2 of the first Commissioners of the unified government shall expire at the end of the first even-numbered year after their election. The initial terms for Posts 3, 4, and 5 shall expire at the end of the second even-numbered year after their election. All terms thereafter shall be four years.

**Sec. 8-103. Effective date of Charter.**

This Charter shall become effective upon the election of members of a Commission of Cusseta-Chattahoochee County, Georgia, and their taking office as the governing authority of the unified government.

**Sec. 8-104. Cooperation of former governments.**

All officers, officials, and employees of the former City of Cusseta and Chattahoochee County shall cooperate with and assist the Commission, the Manager, and other officers of Cusseta-Chattahoochee County, Georgia:

- (1) In planning the unification of departments, boards, commissions, and agencies of said former governments and in transferring the functions, duties, and responsibilities of such departments, boards, commissions, authorities, and agencies to the appropriate agencies of the unified government of Cusseta-Chattahoochee County, Georgia; and
- (2) In all other respects in order that the transfer of the governments be accomplished in the most orderly manner possible. The officers of the unified government shall be entitled to examine all records, files, and other data in the possession of the former governments and of all officers, officials, employees, and departments thereof. The former governments shall, to the extent possible, provide working areas and facilities for the officers of the unified government.

**Sec. 8-105. Existing ordinances and resolutions continued in effect.**

(a) Subject to subsection (d) of this section, existing ordinances and resolutions of the Commission of Chattahoochee County and existing rules and regulations of county departments or agencies, not inconsistent with the provisions of this Charter, shall continue in effect as ordinances, resolutions, rules, or regulations of Cusseta-Chattahoochee County, Georgia, or the appropriate department or agency thereof until they have been repealed, modified, or amended.

(b) Subject to subsection (d) of this section, existing ordinances and resolutions of the City of Cusseta, not inconsistent with the provisions of this Charter, shall continue in effect as ordinances and resolutions within the former boundaries of the City of Cusseta, until they have been repealed, modified, or amended.

(c) Subject to subsection (d) of this section, in the event of a conflict between any of the ordinances or resolutions continued by this section, the provisions thereof shall apply only to the territory of the unified government that such ordinance or resolution applied prior to the effective date of this Charter and until such ordinance or resolution is repealed, changed, or amended to eliminate the conflict.

(d) The Commission shall review all ordinances and resolutions and take whatever action is needed to remove any conflicts between ordinances and resolutions continued by this section in order to produce a uniform body of ordinances and resolutions, free of any conflicts or contradictions between such provisions.

**Sec. 8-106. Contracts and obligations.**

(a) Except as otherwise provided by this Charter, all contracts, orders, leases, bonds, and other obligations or instruments entered into by Chattahoochee County or for its benefit prior to the effective date of this Charter shall continue in effect according to the terms thereof as obligations and rights of the unified government; provided, however, any obligation created by Chattahoochee County to become effective after the date of approval of this Charter shall be subject to ratification and approval by the Commission of the unified government within six months following the effective date of this Charter.

(b) Except as otherwise provided by this Charter, contracts, orders, leases, bonds, and other obligations or instruments entered into by the City of Cusseta or for its benefit prior to the effective date of this Charter, shall continue in effect according to the terms thereof as obligations and rights of the unified government; provided, however, any obligation created by the City of Cusseta to become effective after the date of approval of this Charter shall be subject to

ratification and approval by the Commission of the unified government within six months following the effective date of the Charter.

(c) No pending action or proceeding of any nature (whether civil, criminal, judicial, administrative, or other) by or against the City of Cusseta or Chattahoochee County or an agency or department thereof shall be abated or otherwise affected by the adoption of this Charter, and the unified government shall stand substituted as a party in lieu thereof.

**Sec. 8-107. Dissolution of existing governments.**

On the effective date of this Charter, the Board of Commissioners of Chattahoochee County and the Mayor and Council of the City of Cusseta and all the officers thereof and the offices thereof not continued under this Charter are abolished, and all emoluments appertaining thereto shall cease. Thereupon, the governments of Chattahoochee County and the City of Cusseta shall terminate as separate political entities and all powers, functions, duties, and obligations thereof shall be transferred to and vested in the unified government created by this Charter.

**Sec. 8-108. Transfer of records and equipment.**

When an agency of the City of Cusseta or of Chattahoochee County is abolished or unified by this Charter, all books, papers, maps, charts, plans, records, other equipment, and personal property in possession of the same shall be delivered to the agency to which its rights, powers, duties, and obligations are transferred.

**Sec. 8-109. Officers serve until successors qualify.**

Notwithstanding any other provision of this Charter, any officer performing duties under the government of the City of Cusseta or Chattahoochee County may continue to perform the duties thereof until a successor, whether under the same title or office of another, shall be elected or appointed and qualified to perform the

duties, it being the intention hereof that no duty or service shall lapse or be abandoned because of lack of an officer to perform same.

**Sec. 8-110. Referendum on the Charter.**

(a) Not less than 30 days nor more than 60 days after receipt of the certified copy of the proposed Charter and after receipt of approval by the Department of Justice of such proposed Charter, it shall be the duty of the Chattahoochee County election superintendent to call a special election for approval or rejection of the proposed Charter. The election superintendent shall set the date of the election for a day not less than 30 days nor more than 90 days after the issuance of the call. The election superintendent shall cause the date and purpose of the election to be published once a week for two calendar weeks immediately preceding the date thereof in the official legal organ of Chattahoochee County. The ballot shall have written or printed thereon the following:

- "( ) YES Shall the Charter unifying the governments of the City of Cusseta and Chattahoochee County and creating a single county-wide government to supersede and replace those governments be approved?"
- ( ) NO

(b) All persons desiring to vote for approval of the Charter shall vote "YES," and those persons desiring to vote for rejection of the Charter shall vote "NO." If more than one-half of the votes cast by the qualified voters of Chattahoochee County residing within the corporate limits of the City of Cusseta are for approval of the Charter and if more than one-half of the total votes cast by all the qualified voters of Chattahoochee County are for approval of the Charter, then the Charter shall become effective. Otherwise, it shall be void and of no force and effect. The expense of such election shall be borne equally by the City of Cusseta and Chattahoochee County.

(c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," except to the extent specifically provided otherwise by this Charter.

(d) A qualified voter, as used herein, shall mean a voter of Chattahoochee County qualified to vote for members of the General Assembly of Georgia. The election superintendent shall certify the returns to the Secretary of State. The election superintendent shall also furnish a certified copy of the Charter to the Secretary of State. The Secretary of State shall issue a proclamation showing and declaring the result of the election on the approval or rejection of the Charter. One copy of the proclamation shall be attached to the copy of the Charter certified to the Secretary of State. One copy of the proclamation shall be delivered to the clerk of the governing authority of the City of Cusseta who shall attach the same to the copy of the Charter previously certified to him or her. One copy of the proclamation shall be delivered to the clerk of the governing authority of Chattahoochee County who shall attach the same to the copy of the Charter previously certified to him or her.

(e) Whenever a Charter for the unification of the governments of the City of Cusseta and Chattahoochee County has been accepted, the above-certified copies thereof, with the proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate original copies of the Charter of the unified government for all purposes. The certified copy of the Charter and proclamation deposited with the clerk of the governing authority of the City of Cusseta and the certified copy of the Charter and proclamation deposited with the clerk of the governing authority of Chattahoochee County shall subsequently be delivered by them to the successor government. The successor government may issue certified copies of the Charter and any copy so certified shall be deemed a duplicate original copy of the Charter of the unified government for all purposes. The Secretary of State is authorized to issue certified copies of the Charter on file, and copies so certified shall be deemed duplicate original copies of the Charter of the unified government for all purposes.

Duly approved and adopted by a majority vote of the members of the Cusseta-Chattahoochee County Charter and Unification Commission, this date, November 26, 2002.



## CHARTER COMPARATIVE TABLE

This table gives the location in the Charter of amendments thereto. The Charter was adopted at referendum on November 6, 2003.

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>		<b>Section this Charter</b>
2018-1(U.G.)	3- 6-2018		Added	4-106
2020-3(U.G.)	6- 2-2020	1, 2		3-101
2022-2(U.G.)	8- 2-2022	I		3-101
		II		3-203
2024-4(U.G.)	11-12-2024	1	Added	5-201—5-216



Subpart B

**RELATED LAWS**

**Article I. Sheriff**

Division 1. Filling Vacancies in Office

- Sec. 1. [Requirements; procedure.]
- Sec. 2. [Repeal of conflicting laws.]

Division 2. Compensation and Expenses; Deputies

- Sec. 2. [Amendments to the constitution.]

Division 3. Salary of Sheriff

- Sec. 1. [Authority.]
- Sec. 2. [Salary established.]
- Sec. 3. [Effective date.]
- Sec. 4. [Laws in conflict repealed.]

**Article II. Tax-Commissioner**

- Sec. 1. [Offices of tax-receiver and tax-collector abolished.]
- Sec. 2. [Office of tax-commissioner created.]
- Sec. 3. [Taxes payable to tax-collector to be collectible by tax-commissioner.]
- Sec. 4. [Tax-commissioner salary established.]
- Sec. 5. [Fees, fines, etc., to be held in trust.]
- Sec. 5A. [Salary provided in lieu of fees.]
- Sec. 6. [Act not effective until terms expire.]
- Sec. 7. [Tax commissioner to be elected.]
- Sec. 8. [Rules for filling vacancies in office of tax-commissioner.]
- Sec. 9. [Second election to be held in case of tie.]
- Sec. 10. [Oath.]
- Sec. 11. [Bond.]
- Sec. 12. [Severability.]
- Sec. 13. [Laws in conflict repealed.]

**Article III. Industrial Development Authority**

- Sec. 1. [Constitutional amendment.]



## ARTICLE I. SHERIFF

### DIVISION 1. FILLING VACANCIES IN OFFICE\*

#### Sec. 1. [Requirements; procedure.]

(a) In the event the office of sheriff of Chattahoochee County becomes vacant by death, resignation, or otherwise, the chief deputy sheriff of Chattahoochee County shall act as sheriff until the vacancy can be filled in accordance with the provisions of subsection (b) of this section. If there is no chief deputy sheriff at the time of such vacancy, the Board of Commissioners of Chattahoochee County, within ten working days after the date such vacancy occurs, shall appoint a law enforcement officer of the county who is a Georgia Peace Officer Standards and Training Council certified peace officer to act as sheriff until the vacancy can be filled in accordance with subsection (b) of this section. If the Board of Commissioners of Chattahoochee County fails to appoint a person to act as sheriff within ten working days after the date the vacancy occurs, then the judge of the Probate Court of Chattahoochee County shall appoint a law enforcement officer of the county who is a Georgia Peace Officer Standards and Training Council certified peace officer to act as sheriff until the vacancy can be filled in accordance with subsection (b) of this section. The sheriff of any adjoining county in this state is authorized to act as sheriff until the Board of Commissioners of Chattahoochee County or the judge of the Probate Court of Chattahoochee County makes the appointment provided for in this Act.

(b) If at the time the vacancy occurs there are more than six months remaining in the unexpired term of office, the vacancy shall be filled for the remainder of the unexpired term at a special

\***Editor's note**—Printed in this division is 2003 Georgia Laws (Act No. 334), page 4620. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform as appears in the Code of Ordinances. Additions for clarity are indicated by brackets.

election to be called by the county election superintendent; and the person acting as sheriff under subsection (a) of this section shall act until a successor is so elected for the remainder of the unexpired term. If at the time the vacancy occurs there are six months or less remaining in the unexpired term of office, the person acting as sheriff under subsection (a) of this section shall serve for the remainder of the unexpired term of office.

#### Sec. 2. [Repeal of conflicting laws.]

All laws and parts of laws in conflict with this Act are repealed.

### DIVISION 2. COMPENSATION AND EXPENSES; DEPUTIES†

#### Sec. 2. [Amendments to the constitution.]

Article VII, Section IV, Paragraph II of the Constitution is hereby amended by adding at the end thereof the following:

- A. The method of compensating the Sheriff of Chattahoochee County, known as the fee system, is hereby abolished, and, in lieu thereof, the Sheriff shall receive an annual salary as hereinafter provided.
- B. The Sheriff of Chattahoochee County shall receive an annual salary of \$6,000.00 per annum, payable in equal monthly installments from the funds of Chattahoochee County. The county governing authority shall furnish an automobile, and the cost of operating and maintaining such vehicle, from county funds.

†**Editor's note**—Printed in this division is 1972 Georgia Laws (Act No. 196), page 1372. The provisions providing for a referendum have not been printed. This local constitutional amendment was continued in force and effect by 1986 Ga. Laws (Act No. 186), page 4319. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform as appears in the Code of Ordinances. Additions for clarity are indicated by brackets.

- C. After the effective date of this Act, the Sheriff shall diligently and faithfully undertake to collect all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, monies and all other emoluments and perquisites formerly allowed him as compensation [for] services in any capacity, and shall receive and hold the same in trust as public monies, and shall pay the same to the county fiscal authority on or before the tenth day of each month next following the month in which they were collected or received. At the time of each such monthly payment, the sheriff shall also furnish the county fiscal authority such funds received during the preceding month. The statement shall show the respective amounts collected and the source thereof.
- D. The Sheriff shall have the authority to appoint such deputies, clerks, assistants and other personnel as he shall deem necessary to efficiently and effectively discharge the official duties of his office. The Sheriff shall, from time to time, recommend to the governing authority of Chattahoochee County the number of such personnel needed by his office, together with the suggested compensation to be paid each employee. However, it shall be within the sole discretion of the governing authority of Chattahoochee County to hire such employees and to fix the compensation to be received by each employee in said office. It shall be within the sole power and authority of the Sheriff, during his term of office, to designate and name the person or persons who shall be employed as such deputies, clerks, assistants, or other employees, and to prescribe their duties and assignments, and to remove or replace any of such employees at will and within his sole discretion.
- E. The necessary operating expenses of the sheriff's office, expressly including the compensation of all personnel and employees, shall be paid from any funds of Chattahoochee County available for such purpose. All supplies, materials, furnishings,

furniture, and utilities, as may be reasonably required in discharging the official duties of said office, shall be furnished by Chattahoochee County and shall be paid from any funds of Chattahoochee County available for such purpose.

- F. The fiscal authority of Chattahoochee County shall furnish the office of the Sheriff with such radio equipment as may be required to by the sheriff to properly discharge the official duties of his office. The Sheriff shall maintain an office at the courthouse or at such other place designated by the governing authorities of Chattahoochee County. The Sheriff shall keep his office open to the public and the hours during which said office shall remain open shall be the same as the office of the clerk of the Superior Court of Chattahoochee County.
- G. All Acts of the General Assembly pertaining to the Sheriff of Chattahoochee County, excepting those that are in conflict with this Constitutional amendment, shall be in full force and effect.
- H. This Constitutional amendment may be amended by a local Act of the General Assembly, at any time, by specific reference to the purpose of the Act of the General Assembly being to amend this Constitutional amendment.
- I. The provisions of this amendment shall become effective on January 1, 1973.

(1986 Ga. Laws (Act No. 1116), page 4575, § 1)

**Editor's note**—Subsection B. is superseded by the act in division 2 of this article.

### DIVISION 3. SALARY OF SHERIFF\*

#### **Sec. 1. [Authority.]**

Whereas, pursuant to authority of the Constitution, Article VII, Section IV, Paragraph II, pro-

**\*Editor's note**—Printed in this division is 1977 Georgia Laws (Act No. 533), page 3892. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform as appears in the Code. Additions for clarity are indicated by brackets.

viding for the office of Sheriff of Chattahoochee County, approved April 5, 1972 (Ga. L. 1972, p. 1372) (ratified November 7, 1972), the salary of the sheriff shall be as hereinafter provided.

**Sec. 2. [Salary established.]**

The Sheriff of Chattahoochee County shall receive an annual salary of not less than the annual minimum salary provided by general law for sheriffs, provided that in calculating the population of Chattahoochee County for such purposes, the number of persons residing on Fort Benning property shall not be included in the population of the county. Such salary shall be payable in equal monthly installments from the funds of Chattahoochee County.

**Sec. 3. [Effective date.]**

This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without his approval.

**Sec. 4. [Laws in conflict repealed.]**

All laws and parts of laws in conflict with this Act are hereby repealed.

**ARTICLE II. TAX-COMMISSIONER\***

**Sec. 1. [Offices of tax-receiver and tax-collector abolished.]**

That the offices of tax-receiver and tax-collector of Chattahoochee County, Georgia, are hereby abolished, and the duties of the two offices aforesaid are hereby consolidated into one office.

\***Editor's note**—Printed in this article is 1935 Georgia Laws (Act No. 92), page 601. The provisions provided for a referendum have not been printed. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform as appears in the Code. Additions for clarity are indicated by brackets.

**Sec. 2. [Office of tax-commissioner created.]**

That the office of tax-commissioner of Chattahoochee County is hereby created in lieu of said abolished offices, and the rights, duties, and liabilities of said office shall be the same as the rights, duties, and liabilities of tax-receiver and tax-collector of said county so far as the same are applicable.

**Sec. 3. [Taxes payable to tax-collector to be collectible by tax-commissioner.]**

Be it further enacted, that all taxes that are due and payable at the time the provisions of this Act become effective, and all tax fi. fas. heretofore issued by the tax-collector of Chattahoochee County shall have the same force and effect and be collectible by the tax-commissioner as issued, and all fees and costs already accrued shall be paid the outgoing officers in accordance with the general laws appertaining thereto.

**Sec. 4. [Tax-commissioner salary established.]**

The salary of the Tax Commissioner of said County of Chattahoochee shall not be less than \$300.00 per month nor more than \$400.00 per month, the exact amount of the salary of the Tax Commissioner of Chattahoochee County to be determined by the Board of Commissioners of Chattahoochee County at their first regular meeting in March of each and every year. The tax commissioner shall be compensated in equal monthly installments from the funds of Chattahoochee County.

(1939 Ga. Laws (Act No. 83), page 538, § 1; 1963 Ga. Laws. (Act No. 476), page 3442, § 1; 1966 Ga. Laws (Act No. 538), page 3393, § 1; 1973 Ga. Laws (Act No. 470), page 2872, § 1)

**Editor's note**—The salary of the tax commissioner is now controlled by O.C.G.A. § 48-5-183.

**Sec. 5. [Fees, fines, etc., to be held in trust.]**

After the effective date of this Act said officer shall diligently and faithfully undertake to collect all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, monies and all other emoluments and perquisites formerly allowed as compensation for services in any capacity, and

shall receive and hold the same in trust for said public monies and shall pay the same into the county treasury on or before the 15th day of each month next following the month in which they were collected or received; provided, however, that the governing authority of Chattahoochee County shall have the authority to require that such monies shall be turned in to and delivered to the office of the board of commissioners of roads and revenues of Chattahoochee County on a daily basis or at such other intervals as may be specified from time to time by the board of commissioners of roads and revenues of Chattahoochee County. At the time of each such payment into the county treasury, said officer shall furnish the governing authority of the county a detailed, itemized statement under oath of all funds received during the preceding period by such officer and paid into the county treasury. The statement shall show the respective amounts of money collected and the source thereof.

(1939 Ga. Laws (Act No. 83), page 538, § 1; 1966 Ga. Laws (Act No. 538), page 3393, § 2)

**Sec. 5A. [Salary provided in lieu of fees.]**

It is specifically provided that the salary provided herein for the tax commissioner shall be in lieu of all fees, commissions, costs, fines, emoluments and perquisites of whatever kind including those commissions allowed by an Act relating to the commission on taxes collected in excess of a certain percentage of the taxes due according to the tax net digest, approved January 17, 1938 (Ga. L. 1937-38, Ex. Sess., p. 297), as amended. (1966 Ga. Laws (Act No. 538), page 3393, § 3)

**Sec. 6. [Act not effective until terms expire.]**

Be it further enacted, that the provisions of this Act shall not become effective until the expiration of the terms of the present tax-receiver and the present tax-collector of Chattahoochee County; to wit, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**Sec. 7. [Tax commissioner to be elected.]**

Said tax-commissioner shall be elected in the general election to be held in the State of Georgia

in the year 19\_\_\_\_, and at the general election each four years thereafter, in the same manner, time and place as clerks of the superior courts are elected.

**Sec. 8. [Rules for filling vacancies in office of tax-commissioner.]**

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

- (a) If said vacancy occurs within six months of the expiration of the existing term, the Board of County Commissioners of Chattahoochee County, Georgia, shall appoint some qualified person to discharge the duties of said tax-commissioner for the remainder of said term, and the person so appointed shall be commissioned and qualified as the tax-commissioner, and shall receive the pro rata compensation accruing to said office for the time so appointed.
- (b) If said vacancy occurs more than six months prior to the expiration of the existing term, the Board of County Commissioners of Chattahoochee County, Georgia, shall appoint some qualified person to discharge the duties of said tax-commissioner until a tax-commissioner is elected, and it shall be the duty of the Ordinary of Chattahoochee County to call a special election for the election of a tax-commissioner to serve the remainder of said term, which election shall be ordered not sooner than twenty (20) days and not later than forty (40) days after said vacancy occurs. And the ordinary shall give notice of the date of said election by publication in a public gazette published in Chattahoochee County, and before the court-house door of said county at least ten (10) days before said election. The person elected on said day shall perform the duties of tax-commissioner for the unexpired term of his predecessor. The return of said election shall be made to the Governor, who shall commission the person so elected. The person so temporarily appointed and the person so elected



shall each receive his pro rata part of the compensation accruing to said office for the time he serves.

**Sec. 9. [Second election to be held in case of tie.]**

Should any two or more candidates at an election to fill said vacancy, or at any regular election, have the highest and equal number of votes, said ordinary shall call and advertise another election within twenty (20) days, in the manner above provided, and so do until a choice is made.

**Sec. 10. [Oath.]**

Said tax-commissioner, whether elected or appointed, before entering on the duties of his office, beside the oath required of all civil officers, shall take and subscribe the following oath: "I swear that I will truly and faithfully perform the duties of county tax-commissioner of Chattahoochee County, Georgia, that is to say, all duties heretofore required and prescribed for tax-receiver and tax-collector and such other duties as might be required by law; that I will not receive any return but on oath or affirmation; that I will search out and make a true return of all defaults, polls, professional, and all taxable property not returned; that I will account for and pay over all taxes collected by me as required by law; and will to the best of my ability carry out all requirements made upon me by law; so help me God."

**Sec. 11. [Bond.]**

The said tax-commissioner, before entering upon the discharge of the duties of his office, shall give bond in some reliable bonding company in an amount to be fixed and approved by the County Commissioner of Chattahoochee County, payable in the same way, conditioned, approved, filed, and recorded in the same manner as provided under general law as to the bond of tax-collectors, and thereupon be commissioned. The premiums on the bond of the tax-commissioner, from time to time, shall be paid by the County of Chattahoochee from the treasury thereof.

**Sec. 12. [Severability.]**

Should any section or portion of this Act be held to be unconstitutional, the whole of the Act shall not thereby become void, but only such section or portions so held to be.

**Sec. 13. [Laws in conflict repealed.]**

That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**ARTICLE III. INDUSTRIAL DEVELOPMENT AUTHORITY\***

**Sec. 1. [Constitutional amendment.]**

Article VII, section VII, paragraph V of the constitution [of 1945] is hereby amended by adding at the end thereof the following:

- A. There is hereby created a body corporate and politic to be known as the "Chattahoochee County Industrial Development Authority", which shall be deemed to be an instrumentality of the State of Georgia and a public corporation, and by that name, style and title said body may contract and be contracted with, sue and be sued, plead and be impleaded, and complain and defend in all court of law and equity.
- B. The Authority shall be composed of five members, three of whom shall be appointed by the governing authority of the Chattahoochee County, and two of whom shall be appointed by the Mayor of the City of Cusseta. The first members shall be appointed for terms of one, two, three, four and five years with the governing

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\***Editor's note**—Printed in this article is 1968 Georgia Laws (Act No. 212), page 1640. The provisions providing for a referendum have not been printed. The local constitutional amendment was continued in force and effect by 1986 Ga. Laws (Act No. 1006), page 4317. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform as appears in the Code of Ordinances. Additions for clarity are indicated by brackets.

authority of Chattahoochee County appointing members for terms of one, three and four years and the Mayor of Cusseta appointing members for terms of two and five years, and all such members shall take office on January 1, 1969. Thereafter, successors shall be appointed by the governing authority of the county and the Mayor of Cusseta for terms of five years so that the terms shall remain staggered. In the event a vacancy occurs on the Authority, for any reason, the governing authority of the county or the Mayor, as the case may be, shall appoint a member to serve the unexpired term. The Authority is hereby empowered to elect its own chairman, vice chairman and secretary from its membership. No member of the governing authority of Chattahoochee County or the City of Cusseta shall be eligible to serve as a member of said Authority and only residents of Chattahoochee County shall be eligible for membership on the Authority. The members of the Authority shall receive no compensation for their service on the Authority.

- C. As used in this amendment, the following words and terms shall have the following meanings, unless a different meaning clearly appears from the context:
  1. The word "Authority" shall mean the Chattahoochee County Industrial Development Authority.
  2. The word "Project" shall be deemed to mean and include the acquisition of lands, properties and improvements for development, expansion and promotion of jobs and payrolls in industry, commerce, agriculture, and natural resources; the construction of buildings and plants or the acquisition of equipment for the purpose of selling, leasing or renting such structures or equipment to private persons, firms or corporations.
  3. The term "cost of project" shall embrace the cost of construction, the cost of all lands, properties, ease-

ments, rights and franchises acquired, the cost of machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of engineering, architectural and legal expenses, and plans and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project and placing the same in operation; provided, however, that in no event shall entertainment or promotional expense be considered a part of the cost of any project. The funds the Authority may borrow and the interest paid thereon, for interim or temporary financing for any of the above named items for the use of a designated project, pending the issue and validation of revenue anticipation bonds for such project, shall be considered a "cost of project" which may be paid or repaid from the proceeds of the revenue anticipation bonds authorized herein paragraph G.

- D. The County of Chattahoochee is expressly authorized to enter into contracts with the Authority as a public corporation.
- E. Any three (3) members shall constitute a quorum for the transaction of the ordinary business of the Authority; however, any action with respect to any project of the Authority must be approved by not less than three (3) affirmative votes.
- F. The Authority shall have powers:
  1. To have a seal and alter the same at pleasure.
  2. To acquire, hold, and dispose of personal property,
  3. To enter into contracts for periods of time not in excess of fifty (50) years.

4. To acquire in its own name by purchase, on such terms and conditions, and in such manner as it may deem proper, real property or liens or easements therein of franchises necessary or convenient for its corporate purposes, and to use the same, and to lease or make contracts with respect to the use of same or to dispose of same in any manner the Authority deems to its best advantage. If the Authority shall deem it expedient to construct any project or use any project already constructed on lands, the title to which shall then be in the County of Chattahoochee, the governing authority of Chattahoochee County is authorized in its discretion to convey title to such lands, including any improvements thereon, to the Authority.
  5. To appoint and select officers, agents and employees, including engineers, architects, builders, and attorneys, and to fix their compensation.
  6. To make contracts, and to execute all instruments necessary or convenient, including contracts for construction of projects and leases and rental and sale of projects, or contracts with respect to the use of projects, which it erects or acquires.
  7. To construct, erect, acquire, own, repair, remodel, maintain, extend, improve, sell, equip, expand and to operate and manage projects and to pay the cost of any such project from the proceeds of revenue anticipation certificates or bonds or any other income of the Authority, or from any contribution or loans by persons, firms, or corporations, all of which the Authority is hereby authorized to receive and accept and use.
  8. To borrow money for any of its corporate purposes and to execute notes, mortgages, deeds to secure debt, trust deeds and such other instruments as may be necessary or convenient to evidence and secure such borrowing. It is specifically provided that in addition to the pledge of revenue from any project for the payment of revenue anticipation bonds and for the benefit of the bondholders, the Authority is authorized to execute mortgages, deeds to secure debts, trust deeds and such other instruments as may be necessary or convenient covering the property of any particular project as additional security for the bondholders of such project.
  9. To exercise any power granted by the laws of the State of Georgia to public or private corporations, performing similar functions, which is not in conflict with the Constitution and laws of the State of Georgia.
  10. To do all things necessary or convenient to carry out the powers expressly conferred by this amendment.
  11. To adopt, alter or repeal its own bylaws, rules and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, as the Authority may deem necessary or expedient in facilitating its business.
- G. In addition to the purposes for which Revenue Bonds are now permitted by this Constitution to be issued, the Authority, in order to carry out public purposes of this amendment, is hereby authorized to issue Revenue Bonds bearing rate or rates of interest, not exceeding eight percent (8%) per annum, and maturity at the years and amounts determined by the Authority, and the procedure of validation, issuance and delivery shall be in all respects in accordance with the Revenue Bond Law (Ga. L. 1937, p. 761), as heretofore or hereafter amended, Ga. Code Ann. Supp. Chapter 87-8, as if said obligations had been originally authorized to be issued thereunder; provided, however,

that any property, real or personal, of the Authority may be pledged, mortgaged, conveyed, assigned, hypothecated or otherwise encumbered as security for any lawful debt of the Authority. The Authority may execute any trust agreement or indenture not in conflict with the provisions of this amendment to provide security for any bonds issued as provided herein, and such trust agreement or indenture may provide for foreclosure, or forced sale of any property of the Authority upon default on such bonds either in payment of principal or interest or under any terms or condition under which such bonds are issued.

- H. The Authority is hereby specifically authorized to purchase or otherwise acquire land and to improve and develop same as to make said land more desirable for industrial purposes. Such land acquisition and development may be undertaken by the Authority at any time whether or not there is at such time a prospective industry considering the purchase or lease of an industrial site in Chattahoochee County. Such land and improvements may be held by the Authority for any length of time it deems desirable, but any sale, lease or other disposition of same when made, shall be subject to the provisions of paragraph J hereof.
- I. No moneys derived by the Authority from any source other than gifts and contributions from private individuals, firms or corporations shall at any time be used for entertainment, or other promotional expenses.
- J. All projects of the Authority shall be on a self-liquidating basis, and the Authority shall not make gifts, directly or indirectly, to any person, firm or corporation.
- K. Should said Authority for any reason be dissolved, title to all property of every kind and nature, real and personal, held by the Authority at the time of such dissolution shall revert to Chattahoochee County subject to any mortgages, liens, leases or other encumbrances outstanding against or in respect to said property at that time.
- L. All lands and improvements and personal property, the title to which is vested in the Authority, and all debentures, notes, bonds, and revenue anticipation certificates issued by the Authority shall be exempt from State and local taxation. The exemption from taxation herein provided shall not include the exemption from sales and use taxes on property purchased by the Authority or for use by the Authority.
- M. The Authority shall not be empowered or authorized in any manner to create a debt as against the State of Georgia or the County of Chattahoochee.
- N. The books and records of the Authority shall be audited at least annually, at the expense of the Authority, by a competent auditor. The Authority shall furnish copies of said audit to Chattahoochee County, and shall publish same one time in all newspapers printed in Chattahoochee County.
- O. This amendment, being for the purpose of developing and promoting the public good and welfare of the County of Chattahoochee and its inhabitants, shall be liberally construed to effect the purposes hereof.
- P. This amendment is adopted for the purpose of promoting and expanding for the public good and welfare industry and trade within the County of Chattahoochee and reducing unemployment to the greatest extent possible, and this amendment and any law enacted with reference to the Authority shall be liberally construed for the accomplishment of these purposes.
- Q. The General Assembly may by law further define and prescribe the powers and duties of the Authority and the exercise thereof, and may enlarge and restrict same, and may likewise further regulate the management and conduct of the Authority, provided, however, nothing herein shall be construed so as to authorize the Gen-

eral Assembly to provide by law that the governing authority of Chattahoochee County may levy an ad valorem tax to carry out the purposes of this amendment.



## RELATED LAWS COMPARATIVE TABLE

This table gives the location the Related Laws of acts compiled therein.

<b>Ga. Laws Year</b>	<b>Act No</b>	<b>Page</b>	<b>Section</b>	<b>Related Laws Section</b>
1937-38 Ex. Sess.	297			Art. II, § 5A
1939	83	538	1	Art. II, § 4, Art. II, § 5
1963	476	3442	1	Art. II, § 4
1966	538	3393	1, 2	Art. II, § 4, Art. II, § 5
			3	Art. II, § 5A
1973	470	2872	1	Art. II, § 4
1986	1116	4575	1	Art. I, Div. 2, § 2





**PART II**  
**CODE OF ORDINANCES**

Chapter 1

**GENERAL PROVISIONS**

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections; effect of history notes; references in Code.
- Sec. 1-4. Territorial applicability.
- Sec. 1-5. Effect of repeal of ordinances.
- Sec. 1-6. Amendments to Code; affect of new ordinances; amendatory language.
- Sec. 1-7. Supplementation of Code.
- Sec. 1-8. General penalty; continuing violations.
- Sec. 1-9. Severability of Code.
- Sec. 1-10. Provisions considered as continuations of existing ordinances.
- Sec. 1-11. Prior offenses, penalties, contracts or rights not affected by adoption of Code.
- Sec. 1-12. Certain legislation not affected by Code.



**Sec. 1-1. How Code designated and cited.**

The ordinances embraced in this and the following chapters shall constitute and be designated the Code of the Unified Government of Cusseta-Chattahoochee County, Georgia, and may be so cited.

**State law reference**—Codification requirements, O.C.G.A. § 36-80-19.

**Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code and of all ordinances, the rules of construction and definitions set out in this section shall be observed. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provisions excluding such construction or where the subject matter or context of such section may be repugnant thereto.

*Generally.* The ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter when they shall have the signification attached to them by experts in such trade or with reference to such subject matter. In all interpretations the courts shall look diligently for the intention of the commission, keeping in view, at all times, the old law, the evil and the remedy. Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.

*Liberal construction; minimum requirements; overlapping provisions.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the commission may be fully carried out. In the interpretation and application of any provision of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the other provisions of this Code, the provision impos-

ing the greater restriction or regulation shall be deemed to be controlling. The specific controls over the general.

*As soon as possible.* The term "as soon as possible" means within a reasonable time, having due regard to all the circumstances.

*Charter.* The term "Charter" means the Charter for the Unified Government of Cusseta-Chattahoochee County, Georgia.

*City.* The term "city" means the City of Cusseta as it existed immediately before the Charter for the unified government took effect.

*Code.* The term "Code" means the Code of the Unified Government of Cusseta-Chattahoochee County, Georgia, as designated in section 1-1.

*Commission.* The term "commission" means the Commission of Cusseta-Chattahoochee County, Georgia.

*Computation of time.* When a number of days is prescribed for the exercise of any privilege or the discharge of any duty, only the first or last day shall be counted. If the last day shall fall on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise such privilege or to discharge the duty. When the last day prescribed for such action shall fall on a public or legal holiday as set forth in state law, the party having such privilege or duty shall have through the following business day to exercise such privilege or to discharge the duty. When the period of time prescribed is less than seven days, an intermediate Saturday, Sunday and legal holiday shall be excluded in the computation.

*Conjunctions.* Where a provision involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows, provided in appropriate cases the terms "and" and "or" are interchangeable:

- (1) The term "and" indicates that all the connected items, conditions, provisions or events shall apply.

- (2) The term "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (3) The term "either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

*County.* The term "county" means Cusseta-Chattahoochee County, Georgia.

*Delegation of authority.* Whenever a provision appears requiring a unified government officer or unified government employee to do some act, it is to be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the required act.

*Following.* The term "following" means next after.

*Gender.* Words of one gender include all other genders.

*Joint authority.* A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared.

*Keeper and proprietor.* The terms "keeper" and "proprietor" mean persons, whether acting by themselves or acting as a servant, agent or employee.

*May.* The term "may" is to be construed as being permissive.

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

*Must.* The term "must" is to be construed as being mandatory.

*Number.* The singular and plural number includes the other, unless expressly excluded.

*Oath.* The term "oath" includes an affirmation.

*O.C.G.A.* The abbreviation "O.C.G.A." means the Official Code of Georgia Annotated, as amended.

*Officials, employees, boards, commissions or other agencies.* Whenever reference is made to officials, employees, boards, commissions or other

agencies by title only, the reference refers to the officials, employees, boards, commissions or other agencies of the unified government.

*Owner.* The term "owner," as applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of the building or land.

*Person.* The term "person" includes any association, club, society, firm, corporation, limited liability company, partnership or body politic and corporate, as well as an individual.

*Personal property.* The term "personal property" includes every species of property, except real property.

*Property.* The term "property" includes real and personal property.

*Public place.* The term "public place" includes any place that the public is invited or permitted to go or congregate.

*Real property.* The term "real property" includes lands, tenements and hereditaments.

*Shall.* The term "shall" is to be construed as being mandatory.

*Sidewalk.* The term "sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

*Signature and subscription.* The terms "signature" and "subscription" include the mark of an illiterate or infirm person.

*State.* The term "state" means the State of Georgia.

*Street and road.* The terms "street" and "road" include any street, avenue, boulevard, road, alley, lane, viaduct and any other public highway in the county, including, but not limited to, the paved or improved surfaces thereof.

*Tenant or occupant.* The term "tenant" or "occupant," applied to a building or land, includes any person holding a written or oral lease of or who occupies the whole or a part of a building or land, either alone or with others.

*Tense.* Words used in the past or present tense include the future, as well as the past and present.

*Unified government.* The term "unified government" means the Unified Government of Cusseta-Chattahoochee County, Georgia.

*Unincorporated areas.* The term "unincorporated areas" means that portion of Chattahoochee County, Georgia that was not within the city, as defined in this section.

*UGOCCC.* The abbreviation "UGOCCC" means the Unified Government of Cusseta-Chattahoochee County, Georgia, and when used in provisions indicating territorial applicability means all areas that are subject to the jurisdiction of the unified government.

*Week.* The term "week" means seven days.

*Will.* The term "will" is to be construed as being mandatory.

*Writing.* The term "writing" includes printing and all numerals.

*Year.* The term "year" means a calendar year.

**State law reference**—Similar provisions, O.C.G.A. § 1-3-3(5).

**Sec. 1-3. Catchlines of sections; effect of history notes; references in Code.**

(a) The catchlines of the several sections of this Code in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of such sections nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Editor's notes, cross references, and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, divisions, subdivisions or sections are to chapters, articles, divisions, subdivisions or sections of this Code, unless otherwise specified.

**Sec. 1-4. Territorial applicability.**

The provisions of this Code apply to all territory under the jurisdiction of the UGOCCC.

**Sec. 1-5. Effect of repeal of ordinances.**

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect or any suit, prosecution or proceeding pending at the time of the repeal for an offense committed or cause of action arising under the ordinance repealed.

**Sec. 1-6. Amendments to Code; affect of new ordinances; amendatory language.**

(a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of these subsequent ordinances or resolutions until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code.

(b) Amendments to any of the provisions of this Code may be made by amending those provisions by specific reference to the section number of this Code in the following language:

"Section \_\_\_\_ of the Code of the Unified Government of Cusseta-Chattahoochee County, Georgia, is hereby amended to read as follows: . . . ." The new provisions may then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used:

"The Code of the Unified Government of Cusseta-Chattahoochee County, Georgia, is

hereby amended by adding a section (or chapter, article, division or subdivision, as appropriate) to be numbered \_\_\_\_, that reads as follows: . . ." The new material may then be set out in full as desired.

(d) All sections, subdivisions, divisions, articles or chapters desired to be repealed should be specifically repealed by section, subdivision, division, article or chapter number, as the case may be, or by setting them out at length in the repealing ordinance.

### **Sec. 1-7. Supplementation of Code.**

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the unified government. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

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

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

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

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

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

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinances inserted into the Code.

(d) In no case shall the person make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

### **Sec. 1-8. General penalty; continuing violations.**

(a) In this section, the term "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of an officer of the unified government or an employee of the unified government to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context that it is the intent to impose the penalty provided for in this section upon the officer or employee.

(c) Except as otherwise provided:

- (1) A person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding 60 days, or any combination thereof.
- (2) With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.
- (3) With respect to violations of this Code that are not continuous with respect to time, each day the violation continues is a separate offense.

(d) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or other administrative sanctions.

(e) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law. The imposition of a penalty does not prevent equitable relief.

**Sec. 1-9. Severability of Code.**

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, invalid or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code, since they would have been enacted without the incorporation in this Code of the unconstitutional, invalid or unenforceable phrase, clause, sentence, paragraph or section.

**Sec. 1-10. Provisions considered as continuations of existing ordinances.**

The provisions appearing in this Code, insofar as they are the same as those of ordinances and resolutions existing at the time of adoption of this Code, shall be considered as continuations thereof and not as new enactments.

**Sec. 1-11. Prior offenses, penalties, contracts or rights not affected by adoption of Code.**

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance or resolution in effect on the date of adoption of this Code.

**Sec. 1-12. Certain legislation not affected by Code.**

Nothing in this Code or the ordinance adopting this Code affects the validity of any of the following ordinances or resolutions or portions of ordinances or resolutions, which ordinances or portions of ordinances continue in full force and effect to the same extent as if published at length in this Code:

- (1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (2) Authorizing or approving any contract, deed, or agreement.
- (3) Granting any right or franchise.
- (4) Making or approving any appropriation or budget.
- (5) Providing for salaries or other employee benefits not codified in this Code.
- (6) Adopting or amending a comprehensive plan.
- (7) Levying or imposing any special assessment.
- (8) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley.
- (9) Dedicating, accepting or vacating any plat or subdivision or regulating the subdivision or platting of land.

- (10) Levying, imposing or otherwise relating to taxes not codified in this Code.
- (11) Pertaining to zoning.
- (12) That are temporary, although general in effect.
- (13) That are special, although permanent in effect.
- (14) The purpose of which has been accomplished.



Chapter 2

**ADMINISTRATION**

**Article I. In General**

Secs. 2-1—2-30. Reserved.

**Article II. Purchasing Card and Credit Card Policy for Elected  
Officials**

- Sec. 2-31. Intent and scope.
- Sec. 2-32. Definitions.
- Sec. 2-33. Designated elected officials.
- Sec. 2-34. Card administrator.
- Sec. 2-35. Use of cards.
- Sec. 2-36. Review of purchases and audit.
- Sec. 2-37. Violations.



## ARTICLE I. IN GENERAL

**Secs. 2-1—2-30. Reserved.**

## ARTICLE II. PURCHASING CARD AND CREDIT CARD POLICY FOR ELECTED OFFICIALS\*

**Sec. 2-31. Intent and scope.**

This article is intended to comply with the policy requirements of O.C.G.A. § 36-80-24 regarding the use of county issued government purchasing cards and credit cards.  
(U.G. Ord. No. 2016-3, § I, 8-2-2016)

**Sec. 2-32. 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:]

*"Authorized elected official"* means an elected official designated by public vote of the board of commission to receive a county issued government purchasing card or credit card.

*"Card administrator"* means the purchasing card and credit card administrator designated by the board of commission.

*"County"* means Cusseta-Chattahoochee County and/or the board of commission.

*"County purchase card," "county p-card" or "county credit card"* means a financial transaction card issued by any business organization, financial institution, or any duly authorized agent of such organization or institution, used by a county official to purchase goods, services and other things of value on behalf of the county.

*"Financial transaction card"* means an instrument or device as the term is defined in O.C.G.A. § 16-9-30(5).

**\*Editor's note**—U.G. Ord. No. 2016-3, §§ I—VI, adopted August 2, 2016, added provisions that did not specifically amend the Code. At the editor's discretion, these provisions have been included as Art. II, §§ 2-31—2-37.

*"User agreement"* means the required agreement between the board of commission and the authorized elected officials which restricts the use of a county purchasing card or credit card.  
(U.G. Ord. No. 2016-3, § II, 8-2-2016)

**Sec. 2-33. Designated elected officials.**

The board of commission ("county"), in its discretion, may authorize specific county elected officials to use a county purchasing card or credit card by adoption of a resolution in a public meeting.

No authorized elected official may use a county purchasing card or credit card until and unless he or she has executed the county's purchasing card and credit card user agreement.

The county will not make payments to any business organization, financial institution, or any duly authorized agent of such organization or institution, for amounts charged by an elected official to any purchasing cards or credit cards that are not issued pursuant to this article or for any purchases that are not authorized by this article.  
(U.G. Ord. No. 2016-3, § III, 8-2-2016)

**Sec. 2-34. Card administrator.**

The board of commission shall designate a county purchasing card and credit card administrator. The responsibilities of the card administrator include:

- (1) Manage county issued purchasing cards and credit cards.
- (2) Serve as the main point of contact for all county purchasing card and credit card issues.
- (3) Serve as liaison to the elected officials authorized to use a purchasing card or credit card and their staff, as well as to the issuer of the purchasing card or credit card.
- (4) Provide training on card policies and procedures to the elected officials authorized to use a purchasing card or credit card and their staff.

- (5) Develop internal procedures to ensure timely payment of cards.
- (6) Assist authorized elected officials to dispute transactions when necessary.
- (7) Establish internal procedures to ensure compliance with this article, county procurement ordinances and policies, county purchasing card and credit card user agreements, applicable agreements with the business organization, financial institution, or any duly authorized agent of such organization or institution, issuing card, and state law, specifically, O.C.G.A. §§ 16-9-37 and 36-80-24.
- (8) Document internal controls, audits and other measures to prevent and detect misuse or abuse of the cards.
- (9) Audit and reconcile transactions monthly.
- (10) Maintain records for at least seven years or as otherwise provided by the county's record retention policy.

(U.G. Ord. No. 2016-3, § III, 8-2-2016)

**Sec. 2-35. Use of cards.**

(a) *Authorized purchases.* County purchase cards and credit cards may be used to purchase goods and services directly related to the public duties of the authorized elected official only. All purchases are subject to the terms of this article, the county purchasing card and credit card user agreement, county procurement policies and ordinances, and the adopted budget.

Only authorized elected officials may use a county purchase card or credit card for purchases or payments. The cards, and use of the cards, are not transferrable to employees. The authorized elected official shall use care to ensure that others do not have access to the card account number, expiration date and security code.

Unless otherwise approved by the governing authority or established in the county purchasing card and credit card user agreement, the transaction limits are as follows:

- Per transaction: No Limit.
- Per month: \$3,000.00.

(b) *Unauthorized purchases.* County purchasing cards and credit cards shall not be used for goods and services not directly related to the official responsibilities of the authorized elected official. Additionally, cards shall not be used to avoid compliance with the county's purchasing ordinances and procedures, to purchase goods and services that are not approved in the county's budget, to purchase goods and services exceeding the per transaction or per month limit, or to make purchases not in compliance with the county purchasing card and credit card user agreement.

(c) *Receipts and documentation.* Receipts, invoices and other supporting documentation of all purchases made with a county purchasing card or credit card shall be obtained and maintained by the authorized county elected official for five years or as otherwise provided by the county's record retention policy. If an original or duplicate cannot be produced, a sworn affidavit of the authorized elected official may be substituted. The documentation must include the supplier or merchant information (i.e., name and location), quantity, description, unit price, total price, price paid without sales tax and an explanation of the purchase sufficient to show that the expense was in the performance of official county duties.

(d) *Public records.* All receipt and other documentation of purchases are public records and subject to the requirements of O.C.G.A. § 50-18-70 et seq.  
(U.G. Ord. No. 2016-3, § IV, 8-2-2016)

**Sec. 2-36. Review of purchases and audit.**

Proper documentation of purchases, internal controls and other measures prevent and allow detection to misuse or abuse of county issued purchase cards and credit cards. Authorized elected officials and staff that process payments under this program shall cooperate and comply with the procedures established by the county.

(a) *Review of purchases.* All purchases shall be reviewed according to the following procedure: Accounts payable will review, followed by the county manager for approval.

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(b) *Audits.* The card administrator shall perform an annual review of the card program to ensure adequacy of internal policies and procedures, cardholder spending limits, monthly reconciliation procedures and documentation for transactions. Elected officials and staff shall cooperate with such review.  
 (U.G. Ord. No. 2016-3, § V, 8-2-2016)

**Sec. 2-37. Violations.**

(a) An elected official shall reimburse the county for any purchases made with a county issued purchase card or credit card in violation of this article or the user agreement.

(b) In the discretion of the county governing authority, failure to comply with the procedures outlined in this article may result in:

- (1) A warning;
- (2) Suspension of the elected official's authority to use a county purchase card or credit card; or
- (3) Revocation of the elected official's authority to use a county purchase card or credit card.

(c) Nothing in this article shall preclude the county governing authority from referring misuse of a purchase card or credit card for prosecution to the appropriate authorities.  
 (U.G. Ord. No. 2016-3, § VI, 8-2-2016)



Chapter 3

**RESERVED**





## Chapter 4

### ALCOHOLIC BEVERAGES\*

#### Article I. In General

- Sec. 4-1. Definitions.
- Sec. 4-2. Purpose.
- Sec. 4-3. Excise tax.
- Sec. 4-3.1. Per drink excise tax on distilled spirits to be collected and paid by on-premises consumption retailers.
- Sec. 4-4. Penalties.
- Sec. 4-5. Reserved.

#### Article II. License

- Sec. 4-6. Required; classes; fees; expiration.
- Sec. 4-7. Eligibility requirements—Generally.
- Sec. 4-8. Same—Consumption on the premises.
- Sec. 4-9. Same—Partnerships and corporations.
- Sec. 4-10. Same—Zoning compliance for similar businesses.
- Sec. 4-11. Application procedure.
- Sec. 4-12. Investigation by sheriff's department; hearing.
- Sec. 4-13. Issuance.
- Sec. 4-14. Denial, appeal of application.
- Sec. 4-15. Renewal; hearing required upon written objection; appeal upon denial.
- Sec. 4-16. Transfer; withdrawal; sale.
- Sec. 4-17. Temporary license.
- Sec. 4-18. Suspension and revocation; emergency situations; notice.
- Sec. 4-19. False statements.
- Sec. 4-20. Posting.
- Sec. 4-21. Reserved.

#### Article III. Operation of Establishments

- Sec. 4-22. Responsibilities of licensee.
- Sec. 4-23. Sale of alcoholic beverages—Near churches, schools, library, parks; measurement of distance.
- Sec. 4-24. Same—On public property.
- Sec. 4-25. Same—On Sundays and elections days; notice.
- Sec. 4-26. Same—By consumption on the premises.
- Sec. 4-27. Same—Restrictions.
- Sec. 4-28. Sales and possession by persons under 21 years of age.
- Sec. 4-29. Dispensing, serving, selling or taking orders for alcoholic beverages by persons under 18 years of age.
- Sec. 4-30. Records and reports.
- Sec. 4-31. Employee list to be provided.
- Sec. 4-32. Delivery; storage; condition of premises.
- Sec. 4-33. Crime involving moral turpitude; employee disclosure.
- Sec. 4-34. Prohibited conduct—By licensees and others.
- Sec. 4-35. Same—On licensed premises.
- Sec. 4-36. Proper illumination; sale in back or side room; exceptions.
- Sec. 4-37. Prohibited actions by employees.

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\***Editor's note**—U.G. Ord. No. 2009-4, adopted Sept. 1, 2009, amended Ch. 4 in its entirety to read as herein set out. Former Ch. 4, § 4-1, pertained to similar subject matter.

**State law references**—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; local regulation of the sale of alcoholic beverages, O.C.G.A. § 3-3-2 et seq.

UNIFIED GOVERNMENT CODE

- Sec. 4-38. Patron dancing.
- Sec. 4-39. Removal of alcoholic beverages from premises; posting of notice.
- Sec. 4-40. Reserved.

**Article IV. Effective Date, Repealer and Codification**

- [Sec. 4-41. Effective date, repealer and codification.]

## ARTICLE I. IN GENERAL

### Sec. 4-1. Definitions.

(a) Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in a comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

*Alcoholic beverage* means and includes all alcohol, distilled spirits, malt beverages, and wines (including fortified wines).

*Church* means any permanent structure used primarily as a place of public religious worship.

*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume including, but not limited to, fortified wines. Throughout this chapter, any reference to distilled spirits shall be deemed to include alcoholic consumables that contain distilled spirits.

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

*Interest* includes any pecuniary interest and any ownership interest, whether present or future, whole or partial, legal or beneficial, contingent or vested, direct or indirect, and any right, power or authority of control.

*Licensed premises* means the definite, closed, or partitioned-in location (whether room, shop, or building) wherein alcoholic beverages are sold, provided, or consumed pursuant to this chapter and in accordance with state law. Premises also includes any enclosed area (such as an outdoor dining area, courtyard, or patio) immediately adjacent to the main licensed facility and located on property owned or leased by such licensee.

*Licensee* includes an individual licensee and in the case of a partnership or corporation includes both the partnership or corporation and the named licensee.

*Majority stockholder* means the person, if any, who owns more than 50 percent of the voting stock of a corporation. If no person owns more than 50 percent of the voting stock of a corporation, the "majority stockholder" is the person owning more of the voting stock than any other person; and if two or more persons each own the same amount of the voting stock of a corporation and each owns more of the voting stock than any other person, then any one of such persons may act as the "majority stockholder."

*Malt beverage* or *beer* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine, which shares a similar manufacturing process to malt beverages but has a higher percent of alcohol by volume. The term "beer" is used interchangeably throughout this chapter with "malt beverage," and any reference to beer or malt beverage shall be deemed to include alcoholic consumables that contain beer or malt beverage alcohol.

*Named licensee* means the person acting as such for a partnership or corporation pursuant to section 4-9.

*On-premises consumption retailer* means any person or entity that sells or provides to the public alcoholic beverages for consumption on-premises, only to consumers and not for resale.

*Package beer / wine retailer or store* means any person or entity that sells or provides beer and/or wine to the public in unbroken packages or in growlers or crowlers, not for consumption on-premises and not for resale.

*Package distilled spirits retailer or store* means any person or entity that sells or provides to the public distilled spirits in unbroken packages, not for consumption on-premises and not for resale.

*Wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term 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 so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to this definition. Throughout this chapter, any reference to wine shall be deemed to include alcoholic consumables that contain wine.

(U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2020-2, 5-5-2020; U.G. Ord. No. 2022-3, §§ 1, 2, 8-2-2022)

#### **Sec. 4-2. Purpose.**

The purpose of this chapter shall include, without necessarily being limited to, the following:

- (1) Compliance with and effectuation of the general state law.
- (2) Prevention and control of the sale of alcoholic beverages by unfit persons.
- (3) Ensuring that licenses issued for consumption of alcoholic beverages on the premises are issued only to a legitimate restaurant, supper club or private club as defined in this chapter.
- (4) The protection of schools, homes, churches, parks and other institutions.
- (5) Protection of public health, safety and welfare.

To the maximum extent permissible under state and federal law, the business of selling alcoholic beverages under this chapter shall be considered a privilege to be accorded in conformity with the foregoing and other public policies of the county, rather than a right.

(U.G. Ord. No. 2009-4, 9-1-2009)

#### **Sec. 4-3. Excise tax.**

(a) There is imposed by the county an excise tax on the first sale or use of malt beverages and wine in the county as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons.
- (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(b) There is imposed by the county an excise tax on the first sale or use of wine in the county at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(c) There is imposed by the county an excise tax on the sale of distilled spirits by the package in the county at a rate of \$0.22 per liter, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter.

(d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Each distributor, wholesale dealer, or manufacturer selling, shipping, or delivering distilled spirits, malt beverages, and wine to any retail dealer in the county shall collect the excise tax as set forth in this section and shall remit the tax to the county not later than the tenth (10<sup>th</sup>) of the month following collection. Each monthly remittance will be accompanied by invoice copies of all sales or deliveries to all retailers in the county for resale in the county, together with the sworn affidavit of such distributor, wholesale dealer or manufacturer, that the attached invoices are true, correct and complete.

(U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2022-3, § 3, 8-2-2022)

**Sec. 4-3.1. Per drink excise tax on distilled spirits to be collected and paid by on-premises consumption retailers.**

(a) There is imposed by the county an excise tax on every sale of distilled spirits by the drink in the county at a rate of three percent of the purchase price of such drink; this does not include any sales tax.

(b) The excise tax imposed in this subsection does not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverages.

(c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the on-premises consumption licensee who sells liquor by the drink.

(d) Each licensee selling liquor by the drink within the county shall file a report with the county by the 10th day of each month showing the preceding calendar month summary of the licensee's gross sales derived from the sale of liquor sold by the drink during the preceding month.

(e) Each such licensee shall remit to the county by the 10th day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.

(f) Each licensee collecting the tax authorized by this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if the amount is not delinquent at the time of payment. The deduction amount authorized will be the rate authorized under O.C.G.A. § 48-8-50, as now written or hereafter amended; (currently the rate of deduction as authorized under O.C.G.A. § 48-8-50 is three percent of the total amount due).

(g) Excise taxes received after the tenth day of the month shall be charged a 15 percent penalty plus interest

(h) If the county manager or his/her designee deems it necessary to conduct an audit of the records and books of the licensee, he/she will notify the licensee and an agreed upon date and time will be arranged. If a date and time cannot be agreed upon, the county manager or his/her designee may set the date and time to occur anytime during the licensee's normal business hours.

(i) In addition to any penalties otherwise set forth in this chapter, failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty of \$25.00 for each deficient reporting period.

(U.G. Ord. No. 2022-3, § 3, 8-2-2022)

**State law reference**—Authority to impose excise tax on sale of distilled spirits by the drink, O.C.G.A. § 3-4-131.

**Sec. 4-4. Penalties.**

(a) Any person who violates any provision of this chapter shall upon conviction be punished as provided in section 1-8 of the Code of the Unified Government of Cusseta-Chattahoochee County, which may include a fine, imprisonment or both. Any such punishment, if imposed, shall be in addition to and not in lieu of any license suspension or revocation under this chapter.

(b) The violation of any of the provisions of this chapter shall be grounds for suspension or revocation of any retail or wholesale license issued pursuant to this chapter. Any person violating or failing to comply with any provision of this chapter shall be punished by a fine not to exceed \$1,000.00, or imprisonment not exceeding 60 days, or both such fine and imprisonment in the discretion of the court.

(c) For the purpose of protecting the individual business interests or the persons making returns as provided for in subsections 4-30(a) and (c), the county licensing authorities shall treat such returns as being strictly confidential and will not divulge such information unless called for by a court order and/or for county, state or federal tax purposes, and/or as required by Federal or State of Georgia Law. Any clerks and/or county personnel found guilty of violating such confidence

shall be subject to disciplinary action at the discretion of the county manager or the board of commission.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-5. Reserved.**

**ARTICLE II. LICENSE**

**Sec. 4-6. Required; classes; fees; expiration.**

(a) It shall be unlawful for any person to sell or offer for sale any alcoholic beverages within the county unless a valid license is obtained and said person is in compliance with the provisions of this chapter.

(b) Classes of licenses issued under this chapter, activities permitted and regulated under this article and the annual license fees shall be as follows:

- (1) Retail package malt beverage/wine licenses (retail sale of malt beverages and/or wine in the original package): \$350.00.
- (2) Retail package distilled spirits licenses (retail sale of distilled spirits in the original package): \$2,150.00.
- (3) Retail consumption on the premises licenses:
  - a. Limited pouring license restaurant, as defined in subsection 4-8(b) (retail sale of distilled spirits, wine, and malt beverages by the drink): \$350.00.
  - b. Limited pouring license supper club, as defined in subsection 4-8(c) (retail sale of distilled spirits, wine, and malt beverages by the drink): \$350.00.
  - c. Limited pouring license private club, as defined in subsection 4-8(d) (retail sale of distilled spirits, wine, and malt beverages by the drink): \$350.00.
  - d. Pouring license restaurant, as defined in subsection 4-8(b) (retail

sale of distilled spirits, wine, and malt beverages by the drink): \$2,500.00.

- e. Pouring license supper club, as defined in subsection 4-8(c) (retail sale of distilled spirits, wine, and malt beverages by the drink): \$2,500.00.
- f. Pouring license private club, as defined in subsection 4-8(d) (retail sale of distilled spirits, wine, and malt beverages by the drink): \$2,500.00.

(4) Wholesale licenses: Cost of wholesale licenses shall be in accordance with the county occupation tax ordinance.

(c) All licenses shall be issued on a calendar year basis. All licenses shall expire at midnight on December 31 of the year for which they are issued.

(d) There shall be no prorating of license fees; the license fee for any partial calendar year shall be the same as the fee for a full calendar year.

(e) Each application for a license shall be accompanied by a nonrefundable application fee in the following amount:

- (1) Retail package malt beverage/wine license: \$100.00.
- (2) Retail package distilled spirits license: \$100.00.
- (3) Pouring license or limited pouring license restaurant: \$100.00.
- (4) Pouring license or limited pouring license supper club: \$100.00.
- (5) Pouring license or limited pouring license private club: \$100.00.
- (6) Resident wholesale dealer's license: \$100.00.

(U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2020-2, 5-5-2020; U.G. Ord. No. 2022-3, §§ 4, 5, 8-2-2022; U.G. Ord. No. 2023-3, §§ 1, 2, 9-6-2023)

**Sec. 4-7. Eligibility requirements—Generally.**

(a) A licensee must be at least 21 years of age, of good moral character, a citizen of the United States and a resident of the county; provided, however, that residency by an applicant within the county shall not be a requirement if the applicant designates a resident of the county who shall be responsible for any matter relating to the license.

(b) A licensee shall not have been convicted within the past:

- (1) Ten years of any felony.
- (2) Two years of any misdemeanor, to include misdemeanor violations of county





ordinances, with the exception of traffic offenses; provided however, that any traffic offenses involving the use or consumption of drugs, alcohol or other controlled substances, or an offense resulting in automatic suspension or revocation of driving privileges or licenses shall be included as a misdemeanor requiring a two-year waiting period before being eligible for a license under this chapter. This section shall apply with respect to the laws of this state, other states, the United States and other countries. A plea of *nolo contendere* or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. The county manager may waive the conviction of a misdemeanor at its discretion for purposes of this subsection if determined that the misdemeanor does not have a bearing on the applicant's fitness for a license.

(c) A licensee shall not have been denied or had revoked, within the three years next preceding his application, any license to sell alcoholic beverages issued by any governmental entity.

(d) A licensee shall be the owner of the premises to be licensed or the holder of a lease thereon for the period to be covered by the license.

(e) Any person having two convictions for selling alcohol to a minor within a three-year period shall not be eligible for a license.

(f) No license for the sale of alcoholic beverages by the drink for consumption on the premises shall be issued to any applicant who does not meet the requirements of a private club, restaurant, or supper club as defined in section 4-8.

(U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2022-3, § 6, 8-2-2022)

#### **Sec. 4-8. Same—Consumption on the premises.**

(a) *Those eligible.* A license for consumption on the premises of distilled spirits may be granted only to: a restaurant as defined in subsection (b)

of this section, a supper club as defined under subsection (c) of this section; and a private club as defined in subsection (d) of this section.

(b) *Restaurants.* In order to be eligible for a limited pouring consumption on the premises license, a restaurant shall be defined as follows:

- (1) Be used and held out to the public as a place where meals prepared on the premises are regularly served to the public for adequate pay each day the establishment is open for business.
- (2) Contain one or more public dining rooms, with adequate and sanitary kitchen facilities and staff to prepare, cook and serve suitable food for its guests.
- (3) Have ability to serve meals prepared on the premises during any time the establishment is open for business.
- (4) Have a valid county health department food service permit and any other applicable local, state or federal permits, licenses, etc., required for food service establishments.
- (5) Have at least 60 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises; and for this purpose, if a restaurant makes a minimum charge, cover charge or admission charge, or any other nonfood or nonalcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale.
- (6) Have a permanent seating capacity at tables, not counting bar stools, of at least 30 persons.

(c) *Supper clubs.* In order to be eligible for a limited pouring consumption on the premises license, a supper club shall be defined as follows:

- (1) Be used and held out to the public as a place where meals prepared on the premises are regularly served to the public for adequate pay each day the establishment is open for business.

- (2) Have adequate and sanitary kitchen facilities and staff to prepare, cook and serve suitable food for its patrons.
  - (3) Have ability to serve meals prepared on the premises during any time the establishment is open for business.
  - (4) Have a valid county health department food service permit and any other applicable local, state or federal permits, licenses, etc., as required for food service establishments.
  - (5) Have at least 60 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises, and for this purpose, if a supper club makes a minimum charge, cover charge or admission charge, or any other nonfood or nonalcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale.
  - (6) Have a permanent seating capacity at tables, not counting bar stools, of at least 50 persons.
  - (7) Be arranged and maintained such that all seating is open and unobstructed to the view of other persons in the facility.
  - (8) Provide live entertainment including, but not limited to, bands, orchestras, singers, dancers, actors, performers, musicians or related live entertainment one or more days per week.
- (d) *Private clubs.*
- (1) In order to be eligible for a pouring or limited pouring consumption on the premises license, a private club must be a veterans' organization, fraternal organization or other nonprofit organization, all of which must be nationally chartered and maintain a tax exempt status under either the United States Internal Revenue Code or the state income tax law, and the local chapter:
    - a. Has been in existence at least one year prior to the filing of its application for a license.
    - b. Has at least 75 regular members who pay dues.
    - c. Is organized and operated exclusively for pleasure, recreation and other nonprofitable purposes.
    - d. Owns, hires or leases a building or space within a building for the reasonable use of its members, which building or space:
      1. Has suitable kitchen and dining room space and equipment;
      2. Is staffed with a sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
      3. Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation any profits from the sale of alcoholic beverages beyond a fixed salary.
  - (2) For purposes of subsection (d)(1)d.3 of this section, a "fixed salary" means the amount of compensation paid any member, officer, agent or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission or any profits from the sale of alcoholic beverages.
  - (3) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.
  - (4) Private clubs licensed under the provisions of subsection (d)(1) of this section shall not be required to maintain the percentage sale of food/nonalcoholic beverages as compared to alcoholic beverages; however, any such organization shall be subject to all regulations in this chapter dealing with general licensing and consumption on the premises.

- (5) Records supporting the organization's nonprofit tax exempt status shall at all times be open for inspection by an authorized agent of the county.

(U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2020-2, 5-5-2020)

**Sec. 4-9. Same—Partnerships and corporations.**

(a) In a partnership, each partner shall join as an applicant for the license and must meet the qualifications of an individual licensee, as provided in section 4-7.

(b) In a corporation having the sale of alcoholic beverages as its principal business, the majority stockholder and each principal officer of the corporation shall join as applicants for the licensee. Each person must meet the qualifications of an individual licensee, as provided in section 4-7, except for the residency requirement which shall be required only for the named licensee.

(c) In a corporation having an activity other than the sale of alcoholic beverages as its principal business, the officer or employee who is to be the named licensee shall be the applicant and must meet the qualifications of an individual licensee as provided in section 4-7; provided, however, that the county manager may require the fingerprinting and investigation of officers and shareholders of the corporation if it is deemed necessary in making their investigation.

(d) In a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. In a corporation, the corporation shall be responsible for the actions of the named licensee and the conduct of the licensed business.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-10. Same—Zoning compliance for similar businesses.**

(a) No retail license for the sale of alcoholic beverages shall be granted unless the premises to be licensed are, at the time of the making of the application, located under the zoning ordinance of the county in a zoning district which would permit such activity.

(b) The number of licenses already granted for similar businesses within the county and in the trading area of the place for which a license is sought may be factors in issuing licenses.

(c) In compliance with state law, no initial or first recorded license for retail package sale of distilled spirits in the county shall be granted to a place of business within

- (1) 500 yards of any other business licensed to sell package distilled spirits at retail,
- (2) 200 yards of any school building, educational building, school grounds or college campus, or
- (3) 100 yards of an alcoholic treatment center owned and operated by the state of Georgia or any county or municipal government therein. The distances referenced herein shall be measured in accordance with the manner and method of measurement set forth by state law. This limitation shall not apply to any hotel licensed under Chapter 4 of Article 3 of Title 3 of the Official Code of Georgia Annotated.

(U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2022-3, §§ 7, 8, 8-2-2022)

**Sec. 4-11. Application procedure.**

(a) All applications for licenses shall be made upon application forms provided by the county manager. All applications shall contain a full and complete and sworn and notarized statement by each applicant of all material facts relevant to the requirements of this chapter. Each applicant and any corporate officers or shareholders otherwise required to be fingerprinted shall submit themselves to the county sheriff's department, where a complete set of fingerprints shall be taken.

(b) Application fees shall be paid at the time the application is filed and shall not be refunded under any circumstances. An applicant must pay the annual license fee at the time the application is filed. If the application is denied and the license is not issued, the annual license fee shall be refunded. If the annual license fee is not paid at the time of application, the annual

license fee shall be paid prior to the issuance of the license by the county manager office and no later than 14 days after notification of approval of the license by the county manager.

(c) Each application shall include, in addition to all other application fees, a certified check or money order in the amount charged by the Georgia Bureau of Investigation made payable to the Georgia Bureau of Investigation to cover the cost of fingerprinting analysis and investigation.

(d) Each applicant authorizes the county and its agents to secure from any court, law enforcement agency or other public agency his criminal and civil history and to use such information in determining whether the license applied for shall be issued. Each applicant further authorizes the county and its agents to use such information in any public hearing with respect to the license applied for, either before or after the issuance of the license. Each applicant waives any rights which he would otherwise have to preclude the county or its agents from obtaining and using such information, and each applicant further waives any liability of the county or its agents from obtaining and using such information.

(e) Each application shall be accompanied by:

- (1) A copy of the deed to the premises, if owned by the licensee;
- (2) A copy of the lease agreement covering the premises to be licensed, if leased by the licensee;
- (3) In the case of a partnership, a copy of the partnership agreement;
- (4) If a corporation, a copy of the articles of incorporation; and
- (5) A current stamped certificate from a registered surveyor which shows a scale drawing of the premises and the location at which the applicant desires to operate an alcoholic beverage outlet and which shows, with linear foot measurements where appropriate, such location's compliance or noncompliance with the provisions of section 4-23. When a license

application is for premises not yet constructed or not yet completed, a license may be issued if the application includes the plans for the premises and a surveyor's stamped certificate clearly showing that the premises will, when completed, meet all applicable requirements of section 4-23.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-12. Investigation by sheriff's department; hearing.**

(a) A copy of each application shall be referred within two business days after filing to the sheriff's department. The sheriff's department shall make a thorough investigation concerning any applicants pursuant to this chapter, if individuals, and the officers and the designated agent or manager, if the applicant is a corporation, and shall submit the results of the investigation promptly to the county manager. The cost of such background check shall be paid by the applicant in an amount not to exceed the charges imposed by other governmental agencies required to perform such background checks.

(b) At the discretion of the county manager, a public hearing may be required prior to the issuance of a license if written objections are filed thereto with the county manager. If the county manager believes there is sufficient reason to call a public hearing, a public hearing shall be held. Prior to such hearing, the county shall publish at public expense a notice giving the time, place and purpose of said hearing in the legal organ of the county. The applicant shall be given written notice of any objection which is filed. Such notice shall be served within 72 hours of the filing of the objection by personal service by a county officer or by registered or certified mail to the named licensee at the licensed premises. In circumstances referred to in this subsection, the license under which renewal was applied for shall continue to be valid until the county manager acts on the application for renewal if the applicant deposits the amount of the annual license fee for the renewal with the county manager not later than five days after being notified of the filing of the objection.

(c) The county manager may require additional investigations, reports and information from county departments and other public agencies if deemed necessary to evaluate compliance with the provisions of this chapter.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-13. Issuance.**

(a) The county manager may issue said license when:

- (1) A complete license application has been received;
- (2) The sheriff's department and any other investigative reports required have been submitted; and
- (3) The county manager has determined based on all the information received that the applicant meets all requirements and qualifications for holding the license.

(b) A license issued to an individual shall be issued in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership and in the name of one of the partners who shall be the named licensee. A license issued to a corporation having the sale of alcoholic beverages as its principal business shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. Such stockholder or officer shall be the named licensee. A license issued to a corporation having an activity other than the sale of alcoholic beverages as its principal business shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises. Such officer or employee shall be the named licensee.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-14. Denial, appeal of application.**

Any applicant whose application is denied after submitting a complete license application may appeal said decision to the county board of commissioners. Said appeal shall be in writing and shall be submitted to the county manager

within 30 days of the date of denial. A hearing on the appeal shall be held by the board of commissioners within 30 days after the date upon which the appeal was filed.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-15. Renewal; hearing required upon written objection; appeal upon denial.**

(a) Except as otherwise provided in this chapter, applications for renewal of licenses shall be made and considered in the same manner as applications for original licenses.

(b) No fingerprinting shall be required in the case of an application for renewal.

(c) An application for renewal may be in the form of a sworn and notarized statement by the named licensee, on a form provided by the county manager, if there are no changes in the information contained in the original application. If there have been any such changes, the application for renewal shall be in the same form as an original application.

(d) An application for renewal shall be filed during the months of October or November. If an existing licensee fails to file for renewal during the months of October or November, then the licensee shall be required to make application as for an original license. Existing licensees whose renewal applications are filed as required in this chapter and approved by the county manager shall pay the appropriate licensing fee on or before January 2 of the year for which the renewal license has been approved.

(e) In making a determination concerning renewal, the county manager shall assess the extent to which the granting of the license or the continued holding of the license would contribute to the following problems:

- (1) Littering in the area of the establishment.
- (2) Loitering in the area of the establishment.
- (3) The public consumption of alcoholic beverages in the area of the establishment.

- (4) The exposure of minors to the sale of alcoholic beverages because of the number of minors who frequent the establishment.

(f) At the discretion of the county manager, a public hearing may be required for the renewal of a license if written objections are filed thereto with the county manager office at least 15 days before the end of the renewal period. If the county manager believes there is sufficient reason to call a public hearing, a public hearing shall be held. Prior to such hearing, the county shall publish at public expense a notice giving the time, place and purpose of the hearing in the legal organ of the county. The applicant shall be given written notice of any objection which is filed and such notice shall be served within 72 hours of the filing of the objection by personal service by a county officer or by registered or certified mail to the named licensee at the licensed premises. In circumstances referred to in this subsection, the license under which renewal was applied for shall continue to be valid until the county manager acts on the application for renewal if the applicant deposits the amount of the annual license fee for the renewal with the codes enforcement office not later than five days after being notified of the filing of the objection.

(g) An applicant whose application for renewal is denied may appeal the decision to the county board of commissioners. The appeal must be in writing and filed with the county manager within 30 days of the date of denial.  
(U.G. Ord. No. 2009-4, 9-1-2009)

#### **Sec. 4-16. Transfer; withdrawal; sale.**

(a) Except as provided in this section, no license shall be transferred to another person or location.

(b) If a licensee seeks to move his place of business from the licensee's premises to another place within the county, application shall be made the same as for an original license.

(c) In the case of death of an owner of a license or an individual with a financial interest therein, such license or interest may be transferred to the administrator, executor or adult heir of the

deceased unless the county manager determines that it would otherwise violate this chapter. If the transferee cannot meet the requirements of this chapter when the time comes to renew the license, it shall not be renewed.

(d) Nothing in this section shall prohibit one or more partners in a partnership from retiring therefrom in favor of one or more of the other partners; provided such withdrawal shall not introduce any new partner or result in any new person acquiring an interest in the licensed business without application for issuance of a new license.

(e) Where a license is issued to a corporation having an activity other than the sale of alcoholic beverages as its principal business, a change in the named licensee may be permitted by the county manager if the new licensee meets the requirements of new license applicants.

(f) In the circumstances described in subsections (c), (d), and (e) of this section, the license may be revoked if the county manager determines that the change results in a failure to meet the requirements of this chapter.

(g) If any licensee withdraws from, sells or otherwise transfers the licensee's interest in the licensed business, the licensee shall immediately notify the county manager and surrender the license. In the case of such a withdrawal, transfer or sale, a new application shall be made as for an original license.  
(U.G. Ord. No. 2009-4, 9-1-2009)

#### **Sec. 4-17. Temporary license.**

(a) A temporary license may be issued by the county manager if, in its judgment, the denial of a temporary license would create an undue hardship such as the closing of an existing business or a delay in the opening of a new business.

(b) A temporary license may be revoked, with or without cause, by the county manager at any time, and the grant or denial of a temporary license shall not affect or have any bearing upon the grant or denial of a permanent license.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-18. Suspension and revocation; emergency situations; notice.**

(a) Notwithstanding final disposition of a case by any court of competent jurisdiction, a license may be suspended by the board of commissioners for a period not to exceed 60 days for any violation of this chapter and/or other county ordinances, for any violation of state or federal law, for any material misrepresentation or omission in the application for the license or if the licensee or the licensed business ceases to meet the eligibility requirements for licensure.

(b) Notwithstanding final disposition of a case by any court of competent jurisdiction, a license may be revoked by the board of commissioners if:

- (1) Any state alcoholic beverage license held by the licensee is revoked.
- (2) Payment of the annual license fee is not received by the county within 15 days after notification that the issuance of a license has been approved by the county manager.
- (3) Operation of the licensed activity is not commenced within six months after the license is issued.
- (4) Operation of the licensed activity is commenced and then discontinued for a period of 60 days unless extended by the county manager for good cause.
- (5) The licensed business declares bankruptcy or receivership, or fails to properly account for, file, report and pay any excise tax levied under this chapter.
- (6) The licensed business fails to properly account for, file, report and maintain any records or remit any license fee imposed or taxes required under this chapter.
- (7) Payment of the annual renewal license fee is not received by the county within the time prescribed in subsection 4-15(d).
- (8) The named licensee is convicted of a felony by a court of competent jurisdiction.

- (9) The named licensee is convicted of violations of subsection 4-28(a)(1), said violations occurring no less than 12 hours apart, within a 12-month period.

(c) The county manager is authorized to suspend the sale of alcoholic beverages under any license for an emergency situation if the county manager deems such suspension necessary for the protection of the public health, safety or welfare. Such suspension may be made effective immediately and may remain in force until the county manager determines that the emergency is over or until the next meeting of the board of commissioners, at which time the suspension shall cease unless it is extended by the board.

(d) Should the total sales from food and nonalcoholic beverages reported by any licensee for consumption on the premises not equal or exceed those from the sale of all alcoholic beverages for any two consecutive reporting periods, the license may be suspended or revoked by the board of commissioners after a hearing as provided for in subsection (e) of this section.

(e) Before suspending or revoking a license (except as noted in emergency situations in subsection (c) of this section), the board of commissioners shall give at least five days' prior written notice to the licensee of the time, place and purpose of the hearing at which such suspension or revocation will be considered. Service of such notice shall be perfected by personal service at the licensed premises on the named licensee or an employee of the licensee by a county sheriff's officer or codes enforcement officer; or, if personal service may not be so effected, by tacking a copy of the notice to the door of the licensed premises and mailing the original to the named licensee at the licensed premises with a copy mailed to any other address of the named licensee contained in the most recent license application on file with the county. (U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2022-3, § 9, 8-2-2022)

**Sec. 4-19. False statements.**

Any person making a false statement in any application for a license or a false statement in

connection with renewal thereof shall be guilty of an offense and punished as provided by O.C.G.A. § 16-10-71 et seq. relating to false swearing. A license may be revoked for the violation if previously granted or renewed. It shall be an offense for any person to give a name other than the true and correct legal name of the intended licensee. A conviction for a violation thereof shall be punished as provided for in this chapter. (U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-20. Posting.**

Each license issued under this article shall at all times be kept plainly exposed to view upon the licensed premises. (U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-21. Reserved.**

**ARTICLE III. OPERATION OF ESTABLISHMENTS**

**Sec. 4-22. Responsibilities of licensee.**

(a) The named licensee shall be active in the operation of the licensed business and shall be personally present on the licensed premises to sufficiently ensure compliance with the provisions of this chapter. This subsection shall not apply where the primary business of a package licensee is an activity other than the package sale of alcoholic beverages, for example, a grocery store selling package beer and wine.

(b) Except as otherwise provided in this section, it shall be unlawful for a licensee to enter into any agreement whereby the rental paid for licensed premises is based in whole or in part on the volume of sales of alcoholic beverages by the licensed business or whereby the lessor otherwise shares in the profits or receipts from the licensed business's sale of alcoholic beverages.

(c) Every licensee shall, prior to applying for a license, read and become familiar with the provisions of this chapter. An application shall constitute a certification by the applicant that he has done so. Every licensee shall maintain a copy of this chapter on the licensed premises and

shall instruct each employee engaged in the sale or handling of alcoholic beverages on the relevant provisions of this chapter. (U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-23. Sale of alcoholic beverages—  
Near churches, schools, library,  
parks; measurement of distance.**

(a) No licensed premises authorized pursuant to this chapter shall be issued for any place of business which is located within 300 feet of any school building, school grounds, college campus, church building, public library or public park.

(b) No consumption on the premises license shall be issued for any place of business which is located within 200 feet of a private family dwelling or a residentially zoned district, the measurement for which shall be by direct measurement from the structure within which the consumption occurs to the closest property line of the parcel on which the private residence is located or the closest property line of the residentially zoned district; provided, however, that this prohibition shall not apply with respect to such a private dwelling which is located in a zoning district in which alcoholic beverage outlets are authorized.

(c) Unless otherwise provided by this chapter, all measurements to determine the distances referred to in this section shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (1) From the front door of the structure from which alcoholic beverages are sold or proposed to be sold;
- (2) In a straight line to the nearest public sidewalk, street, road or highway;
- (3) Along such public sidewalk, walkway, street, road or highway by the nearest practical route; and
- (4) To the front door of the building or to the nearest portion of the grounds, whichever is applicable under this chapter.

(d) No license shall be revoked and no application for a license or renewal shall be denied by reason of the method of measurement set out in



this subsection, if such license or license application or renewal application is for premises for which a license was granted prior to the enactment of this chapter.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-24. Same—On public property.**

It shall be unlawful for any person to sell or serve alcoholic beverages in a street, alley or parking lot commonly used by the public or in any other public place or on public property unless granted a special event license by the board of commission.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-25. Same—On Sundays and elections days; notice.**

(a) No licensee shall permit the sale of alcoholic beverages on any day or any time when such sales are prohibited by state law.

(b) A licensee shall be permitted to sell alcoholic beverages on Sunday between the hours of 12:30 p.m. and 11:30 p.m.

(c) The sale of alcoholic beverages shall be allowed by those licensed to make such sales on an election day.

(d) Reserved.

(U.G. Ord. No. 2009-4, 9-1-2009; U.G. Ord. No. 2012-5, 12-18-2012, eff. 1-1-2013; U.G. Ord. No. 2022-3, § 10, 8-2-2022)

**Sec. 4-26. Same—By consumption on the premises.**

Consumption on the premises licensees shall only engage in the sale and service of alcoholic beverages between the hours of 7:00 a.m. and 1:00 a.m. Monday through Friday and 7:00 a.m. until 11:55 p.m. on Saturday. Consumption licensees may permit alcoholic beverages purchased and served prior to 1:00 a.m. on Monday through Friday to be consumed on the premises until 2:00 a.m. Alcoholic beverages purchased and served prior to 11:55 p.m. on Saturdays are permitted to be consumed on the premises until 2:00 a.m. on Sunday.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-27. Same—Restrictions.**

(a) No consumption on the premises licensee shall engage in any of the following practices:

- (1) The sale of alcoholic beverages during any special period of the day at prices lower than those customarily charged during the remainder of the day.
- (2) The giving away of alcoholic beverages in conjunction with the sale of any other alcoholic beverages.
- (3) The sale of two or more alcoholic beverages for a single price or the sale of all the alcoholic beverages a customer can or desires to drink.
- (4) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage.
- (5) Requiring or encouraging the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed.
- (6) Sponsoring, conducting or allowing contests or promotions which have as their primary purpose the increasing of the consumption of alcoholic beverages on the premises.

(b) This section shall not apply with respect to private functions not open to the public with respect to which the licensee has agreed to the use of the licensee's establishment by a person for a set period of time for valuable consideration.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-28. Sales and possession by persons under 21 years of age.**

(a) Except as otherwise provided in this section:

- (1) No person, directly or through another person, shall furnish, cause to be furnished or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.

- (2) No person under 21 years of age shall purchase or possess any alcoholic beverage.
- (3) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining any alcoholic beverage.
- (4) No person shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.
- (5) No person under 21 years of age shall misrepresent his identity or use false identification for the purpose of purchasing or obtaining any alcoholic beverage.

(b) The prohibitions contained in subsections (a)(1), (2), and (4) of this section shall not apply to the following with respect to the sale, purchase or possession of alcoholic beverages for consumption:

- (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state.
- (2) At a religious ceremony.
- (3) When the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.

(c) The prohibition contained in subsection (a) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport military identification, driver's license or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-104. "Proper identification" shall not include a birth certificate.

(d) This section shall not prohibit employment of a person under 21 years of age in licensed premises if such employment is lawful under section 4-29.

(e) In any case where a reasonable or prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing such alcoholic beverage to request to see and be furnished with proper identification as provided in subsection (c) of this section in order to verify the age of such person; and the failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether this person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (a)(1) of this section.

(f) In any case where a person selling or otherwise furnishing alcoholic beverages checks for a proper identification, such person shall carefully inspect such identification. If a reasonably prudent person could determine that such identification has been altered and if such person sells or otherwise furnishes alcoholic beverages to the holder of such altered identification, then such may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so in violation of subsection (a)(1) of this section. (U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-29. Dispensing, serving, selling or taking orders for alcoholic beverages by persons under 18 years of age.**

(a) Except as provided in subsection (d) of this section, no wholesale dealer or package licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for or handle alcoholic beverages.

(b) No consumption on the premises licensee shall allow any employee under the age of 18 years to dispense, sell, serve, take orders for or handle alcoholic beverages.

(c) This section shall not prohibit the employment of persons under the above ages on licensed premises where such persons do not dispense, sell, serve, take orders for or handle alcoholic beverages.

(d) This section shall not prohibit persons 16 years of age or older from selling or handling alcoholic beverages in grocery stores, breweries, drugstores or supermarkets. For purposes of this subsection, the terms grocery stores or supermarkets shall include convenience stores.

(e) The bagging or carrying out of wine or malt beverages in the original package in the course of employment by a grocery store, convenience store or similar establishment shall not constitute handling of alcoholic beverages. (U.G. Ord. No. 2009-4, 9-1-2009)

#### **Sec. 4-30. Records and reports.**

(a) All consumption on the premises licensees shall keep and preserve records of all alcoholic beverages purchased and sold by the licensee and shall keep and preserve records of all food and nonalcoholic beverages purchased and sold by them. Such records shall at all times be open for inspection by an authorized agent of the county. Such records shall be maintained for a period of at least three years, provided that the county manager may authorize the disposal of records prior to the expiration of three years if the maintenance of such records is no longer required by the county.

(b) All consumption on the premises licensees shall file the following reports with the county manager at the time and in the form prescribed by the county manager:

- (1) Monthly on-premises consumption report.
- (2) A certified copy of the licensee's monthly state sales tax report as filed with the state department of revenue for the period coinciding with the on-premises consumption report.
- (3) Any other document, reports, records or books as shall be required by the county manager.

(c) In addition to the reporting requirements detailed in subsections (a) and (b) of this section, the county manager may require that a licensee furnish a statement from a certified public accountant that reports the percentage of the licensee's total sales derived from the sale of food and nonalcoholic beverages sold on the premises compared to the sale of all alcoholic beverages sold on the premises in the licensee's most recent reporting period.

(U.G. Ord. No. 2009-4, 9-1-2009)

#### **Sec. 4-31. Employee list to be provided.**

All licensees for consumption on the premises shall maintain a current list of the names, addresses and telephone numbers of present employees who will be involved in selling, serving, taking orders for or handling alcoholic beverages which shall be available for inspection by the sheriff's department, codes enforcement office, or county manager. Failure to maintain such a list may be grounds for suspension of the license authorized and required by this chapter.

(U.G. Ord. No. 2009-4, 9-1-2009)

#### **Sec. 4-32. Delivery; storage; condition of premises.**

(a) Alcoholic beverages shall be delivered to and received at licensed premises only in the original container and only in a conveyance owned and operated by a licensed wholesale dealer or a licensed common carrier acting for a wholesaler. Alcoholic beverages shall be sold at retail only on the licensed premises.

(b) A retail licensee shall store alcoholic beverages only on the licensed premises and at no other place. All stock shall be available at all times for inspection by any authorized agent of the county. Any alcoholic beverages found in any retail licensee's stock which were not received from a wholesaler licensed to make deliveries in the county shall be subject to immediate confiscation.

(c) The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times.

(d) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with all regulations governing the condition of premises used for the storage and sale of food for human consumption. All licensed premises shall be open at all times for inspection by authorized agents of the county.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-33. Crime involving moral turpitude; employee disclosure.**

(a) No licensee shall knowingly employ on any licensed premises, in any capacity whatsoever, including performers, dancers, entertainers, and musicians, any person who has been convicted within the preceding two years of any crime involving moral turpitude.

(b) All prospective employees shall disclose to the licensee on their application for employment or during their interview for employment all information concerning their conviction on any crime involving moral turpitude and shall provide to the licensee any information or evidence that their employment could adversely affect the health, safety and welfare of the general public which may be served by the licensee.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-34. Prohibited conduct—By licensees and others.**

(a) No licensee shall permit the sale of alcoholic beverages to any person who is in a state of noticeable intoxication or allow persons who are noticeably intoxicated to congregate on licensed premises.

(b) No licensee shall permit any gambling, betting, illegal lottery or other device for the hazarding of any money or other thing of value on the licensed premises, except as may be expressly authorized by law.

(c) No licensee shall permit any disorderly conduct, breach of the peace, or noise or activity on the licensed premises which is disturbing to the surrounding neighborhood.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-35. Same—On licensed premises.**

It shall be unlawful for any person to open or consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package.  
(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-36. Proper illumination; sale in back or side room; exceptions.**

(a) All restaurants and supper club areas, including all tables, booths and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so they may be viewed by those inside the premises.

(b) The sale of alcoholic beverages in any back room or side room which is not open to the general public is prohibited, except that this prohibition shall not apply with respect to:

- (1) Private parties which have been scheduled in advance.
- (2) Room service to hotel guests in their hotel rooms, provided a properly licensed restaurants or supper club is located on the premises.
- (3) Private clubs.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-37. Prohibited actions by employees.**

(a) It shall be unlawful for any employees of a restaurant, supper club or private club as defined in the following:

- (1) Dance or sit with customers on the premises while on-duty status, including break periods.
- (2) Allow any customers to purchase food or drink, alcoholic or nonalcoholic, for an employee while on-duty status, including break periods.
- (3) Consume or simulate the consumption of any alcoholic beverage while on-duty status at the premises of his employer, including break periods.

- (4) Require, permit, suffer, encourage or induce any employee or person to solicit the purchase of any drink by the patron at the licensed premises for any person other than the patron and guest of the patron, whether alcoholic or nonalcoholic, or money with which to purchase same.

(b) No licensee shall pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for himself, or for any other, the purchase by the patron of any drink, whether alcoholic or nonalcoholic.

(c) For purposes of this section, the term employee shall also apply to performers, dancers, entertainers and musicians engaged in temporary work, as well as regular employees. (U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-38. Patron dancing.**

Patron dancing shall be permitted at facilities licensed for consumption on the premises sales only where:

- (1) Adequate space exists;
- (2) All fire and safety regulations are met;
- (3) Prior approval of the sheriff, the chief of fire department and the county manager has been obtained.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-39. Removal of alcoholic beverages from premises; posting of notice.**

(a) All alcoholic beverages sold by consumption on the premises licensees shall be consumed only within structures located on the licensed premises. It shall be unlawful for a person to remove from the licensed premises any alcoholic beverage sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person removes any alcoholic beverage from the premises in any type of container.

(b) Each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form:

It is a violation of county ordinance to take any type alcoholic beverage from this outlet. Such sign shall be uniform letters not less than one inch in height.

(U.G. Ord. No. 2009-4, 9-1-2009)

**Sec. 4-40. Reserved.**

**ARTICLE IV. EFFECTIVE DATE, REPEALER AND CODIFICATION**

**[Sec. 4-41. Effective date, repealer and codification.]**

(a) This chapter shall become effective on January 1, 2010.

(b) All ordinances and parts of ordinance and Code sections and parts of Code section in conflict herewith are repealed. The following enumerated ordinances of the former City of Cusseta, Georgia are specifically repealed in its entirety:

Special Tax Ordinance 2-69 enacted December 2, 1968 with an effective date of January 1, 1969;

An ordinance to control and regulate the sale and distribution of alcoholic beverages 2-73 enacted March 20, 1973; and

An Ordinance 3-75 (levying and imposing an excise tax upon the sale of malt beverages, etc.) enacted June 10, 1975

(c) It is the intention of the board of commission and it is hereby ordained that the provisions of this chapter shall become and be made a part of the Code of Ordinances of the Unified Government of Cusseta-Chattahoochee County and any section of this chapter or Code of Ordinances may be renumbered to accomplish such intentions.

(U.G. Ord. No. 2009-4, 9-1-2009)



Chapter 5

**RESERVED**





## Chapter 6

### **ANIMALS\***

#### **Article I. In General**

- Sec. 6-1. Penalty.
- Sec. 6-2. Keeping of hogs.
- Sec. 6-3. Keeping chickens within the city unlawful.
- Secs. 6-4—6-24. Reserved.

#### **Article II. Animal Control**

- Sec. 6-25. Definitions.
- Sec. 6-26. Violations.
- Sec. 6-27. Vaccination.
- Sec. 6-28. Restraint.
- Sec. 6-29. Dog leash areas.
- Sec. 6-30. Nuisance.
- Sec. 6-31. Cruelty.
- Sec. 6-32. Dangerous dogs.
- Sec. 6-33. Animals subject to impoundment.
- Sec. 6-34. Notice to owners of impounded animals.
- Sec. 6-35. Fees schedule and miscellaneous regulations.

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\***State law references**—Animals generally, O.C.G.A. § 4-1-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4.



## ARTICLE I. IN GENERAL

### Sec. 6-1. Penalty.

Except as otherwise provided, violations of this chapter shall be punished as provided in section 1-8.

### Sec. 6-2. Keeping of hogs.

Citizens in the city shall have the privilege of keeping hogs in the city limits; provided pens and areas where hogs are kept shall be sanitary and free from odors and smells ordinarily caused by unsanitary hog pens.  
(City Ord. No. 7-76, 6-7-1976)

### Sec. 6-3. Keeping chickens within the city unlawful.

It shall be unlawful to have chickens within the city unless such chickens are penned within enclosures that will retain them.  
(City Ord. No. 4-75, § 1, 10-7-1975)

### Secs. 6-4—6-24. Reserved.

## ARTICLE II. ANIMAL CONTROL

### Sec. 6-25. 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:

*Animal control board* means the board established by the commission for the purposes herein provided, or if no such board is established, the commission.

*Animal control officer* means any person so designated by the commission to perform the duties prescribed by this article.

*Animal investigator* means any person so designated by the commission to investigate complaints of cruelty to animals.

*Dangerous dog* means any dog that, according to the records of the animal control office or the health department:

- (1) Has without provocation inflicted severe injury on a human being on public or private property; or
- (2) Aggressively bites, attacks, or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

*Potentially dangerous dog* means any dog that without provocation bites a human being on public or private property.

*Proper enclosure* means an enclosure for keeping any animal, including dangerous dogs or potentially dangerous dogs, as required by this article, while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the animal from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the animal is enclosed within a fence, the fenced area shall be a minimum of 100 square feet, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the animal's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the animal.

*Severe injury* means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.  
(U.G. Ord. No. 2004-1, § 1, 1-6-2004)

### Sec. 6-26. Violations.

The imposition of any penalty for any violation shall not excuse the violation or permit it to continue, and all such violators shall be required to correct or remedy or abate such violations or defects within the time as prescribed by the court having such completion time being fixed by the court, within a reasonable time after such violations occur.  
(U.G. Ord. No. 2004-1, § 11, 1-6-2004)

**Sec. 6-27. Vaccination.**

(a) No person shall own, keep, maintain, harbor, or permit to be kept or harbored, any dog or cat within the area of the UGOCCC unless such dog or cat is vaccinated as provided in this section.

(b) All dogs and cats over three months of age within the area of the UGOCCC shall be vaccinated against rabies. Said vaccination shall be administered by a veterinarian licensed to practice veterinary medicine in the state. Dogs and cats less than three months of age shall be confined to their owner's premises and shall not be allowed to run at large.

(c) Dogs and cats entering the UGOCCC from outside the UGOCCC only for the purpose of performing or temporary stay not exceeding 14 days and kept under direct control of their owners or handlers shall be exempt from the vaccination requirements of this article.

(d) It shall be the duty of each dog owner, possessor, or custodian, to have a current rabies tag issued by a veterinarian on such animal.

- (1) Silver rabies tags are current for the year and the following year.
- (2) Colored rabies tags are current for the year stamped thereon and for the three following years.

(e) It shall be the duty of each dog owner, possessor, or custodian to provide a collar of leather or nylon for the dog to which the rabies license tag shall be attached. The collar, together with the tag, shall be worn by the dog at all times. Failure to comply with this section shall be unlawful and shall be punished as hereinafter provided.

(f) It shall be the duty of each cat owner, possessor, or custodian to have a current certificate or other evidence of inoculation and to produce such evidence when requested by the animal investigator or animal control officer.  
(U.G. Ord. No. 2004-1, § 2, 1-6-2004)

**Sec. 6-28. Restraint.**

It shall be the duty of every owner of any dog, or anyone having any dog in his possession or

custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from his dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity. In the event that the owner or keeper of any dog is a minor, the parent or guardian of such minor child shall be responsible to ensure that all provisions of this article are complied with.

(U.G. Ord. No. 2004-1, § 3, 1-6-2004)

**Sec. 6-29. Dog leash areas.**

It shall be the duty of each owner of every dog within an area of the unincorporated area that is zoned exclusively residential and all of the area of the city to see that his dog is at all times, either:

- (1) Confined within a proper enclosure from which it cannot escape on property either owned or controlled by the owner of such dog or on the property of a person with whom the owner of such dog has an agreement relative to the keeping of said dog thereon;
- (2) Tethered in such a fashion that such dog cannot escape therefrom on property either owned or controlled by the owner of such dog or on the property of a person with whom the owner of such dog has an agreement relative to the tethering of such dog thereon, and the tethering of such dog shall be accomplished in a manner that will prevent such dog from being able to reach to property of any adjoining owner or any public street, way, or right-of-way;
- (3) Accompanied by the owner of such dog while restrained on a leash from which such dog cannot escape at all times when such dog is not confined in the manner required by either subsection (1) or (2) of this section; or
- (4) Under voice command and control at all times when such dog is not confined or controlled in the manner required by either subsections (1) through (3) of this section.

(U.G. Ord. No. 2004-1, § 4, 1-6-2004)

**Sec. 6-30. Nuisance.**

(a) Any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than its owner, to enjoyment of life or property is hereby declared to be a public nuisance animal. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Damages the property of anyone other than its owner;
- (2) Molests or intimidates pedestrians or passersby;
- (3) Chases vehicles;
- (4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (5) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (7) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
- (8) Attacks other domestic animals;
- (9) Runs at large in a dog leash area as prohibited by section 6-29;
- (10) Has been determined by the magistrate court to be a public nuisance animal as defined in this section.

(b) In all the UGOCCC, animals determined to be public nuisance animals shall be kept in a proper enclosure, or on a leash, at all times, and shall not be permitted to run at large.

(c) Any condition as described in subsection (a)(1) of this section which is caused by or existing because of such public nuisance animals shall be abated by the owner or person in actual possession of such animal.

(d) Failure to keep any public nuisance animal in a proper enclosure, or on a leash, as required shall be unlawful and shall be punishable as hereinafter provided.

(e) This section shall not apply to hunting dogs which are actively engaged in hunting in accordance with the state department of natural resources laws, rules, and regulations; or in field trials; nor shall it apply to dogs actively engaged in lawful shows or other exhibitions; nor shall it apply to dogs used to guide blind persons. (U.G. Ord. No. 2004-1, § 5, 1-6-2004)

**Sec. 6-31. Cruelty.**

(a) No owner shall fail to provide his animals with sufficient, wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(c) No owner of an animal shall abandon such animal.

(d) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(e) No person shall expose any known poisonous substance, whether mixed with food, or not, so that the same shall be liable to be eaten by any animal. (U.G. Ord. No. 2004-1, § 6, 1-6-2004)

**Sec. 6-32. Dangerous dogs.**

(a) *Dog control officer.* The animal control officer shall serve as the dog control officer. Upon receiving a report of a dangerous dog or potentially dangerous dog within the UGOCCC from a law enforcement agency, animal control agency, rabies control officer, or board of health, the dog control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this section.

(b) *Notice.* When a dangerous dog or a potentially dangerous dog is classified as such by the dog control officer, the dog control officer shall notify the dog's owner of such classification. The notice to the owner shall meet the following requirements:

- (1) The notice shall be in writing and mailed by certified mail to the owner's last address;
- (2) The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog;
- (3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the dog control officer's determination that the dog is a dangerous dog or a potentially dangerous dog;
- (4) The notice shall state that the hearing, if requested, shall be before the animal control board;
- (5) The notice shall state that if a hearing is not requested, the dog control officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under the law on a date specified in the notice, which shall be after the last day of which the owner has a right to request a hearing; and
- (6) The notice shall include a form to request a hearing before the animal control board

and shall provide specific instructions on mailing or delivering such request to the animal control board.

(c) *Hearing.*

- (1) When the animal control board receives a request for a hearing as provided hereinabove, it shall schedule such hearing within 30 days after receiving the request. The animal control board shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and in addition thereto, the animal control board shall receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination either to sustain, modify, or overrule the dog control officer's classification of the dog.
- (2) Within ten days after the date of the hearing, the animal control board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

(d) *Registration of dangerous dogs or potentially dangerous dogs.*

- (1) It is unlawful and a violation of this article for an owner to have or possess within the area of the UGOCCC a dangerous dog or potentially dangerous dog without a certificate of registration issued by the dog control officer.
- (2) The dog control officer shall issue a certificate of registration to the owner of a dangerous dog or a potentially dangerous dog if the owner presents to the dog control officer or the dog control officer otherwise finds sufficient evidence of:
  - a. A proper enclosure to confine the dangerous dog or potentially dangerous dog; and

- b. A proper dangerous dog or potentially dangerous dog warning sign.
1. The posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible warning that there is a dangerous dog on the property. Said sign shall be maintained continuously on the premises.
  2. The dangerous dog warning sign shall conform to the design provided by the state department of natural resources, and shall be furnished by the unified government to the owner or possessor of a dangerous dog or potentially dangerous dog, with the initial costs being included in the registration fee as required herein
  3. Should the original dangerous dog warning sign issued to the owner or possessor of a dangerous dog or potentially dangerous dog be lost, stolen, destroyed, or damaged, said owner or possessor shall report same immediately to the dog control officer and shall secure a replacement sign from the animal control department. The said owner or possessor shall be required to pay the then current full cost for such replacement sign.
- (3) In addition to the above requirements, the owner of a dangerous dog shall present to the dog control officer evidence of:
- a. A policy of insurance in the amount of at least \$15,000.00 issued by an insurer authorized to transact business in the state insuring the owner of the dangerous dog against liability for any personal injuries inflicted by the dangerous dog; or
  - b. A surety bond in the amount of \$15,000.00 or more issued by a surety company authorized to transact business in the state payable to any person injured by the dangerous dog.
- (e) *Additional requirements.*
- (1) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the dog control officer with the name, address, and telephone number of the new owner of the dog.
  - (2) The owner of a dangerous dog or potentially dangerous dog shall notify the dog control officer if the owner is moving from the area of the UGOCCC. The owner of a dangerous dog or potentially dangerous dog who is a new resident of the area of the UGOCCC shall register the dog as required herein within 30 calendar days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves from one address to another within the area the UGOCCC shall notify the dog control officer of the new address within ten calendar days after moving to the new address.
  - (3) Issuance of a certificate of registration or the renewal of a certificate of registration by the dog control officer does not warrant or guarantee that the requirements for obtaining a certificate of registration, as specified hereinabove, are maintained by the owner of a dangerous dog or potentially dangerous dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.
  - (4) The dog control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article.

(f) *Registration fee.*

- (1) In addition to regular licensing and tag fees, an annual fee as may from time to time be prescribed by the commission, payable at the time of registration and on or before April 1 of each succeeding year, shall be paid by the owner of a dangerous dog or a potentially dangerous dog. If an owner owns or possesses more than one dangerous dog or potentially dangerous dog, then a separate fee shall be paid for each such dog.
- (2) Certificates of registration shall be renewed on an annual basis, not later than April 1 of each year. At the time of the annual renewal of a certificate of registration, the dog control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with all provisions of this article.

(g) *Confinement of dangerous dogs and potentially dangerous dogs.*

- (1) It is unlawful and a violation of this article for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.
- (2) It is unlawful and a violation of this article for an owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and is under the restraint of a responsible person.

(h) *Confiscation of dangerous dogs and potentially dangerous dogs.*

- (1) A dangerous dog shall be immediately confiscated by the dog control officer or by

a law enforcement officer or by another person authorized by the dog control officer, if the:

- a. Owner of the dog does not secure the liability insurance or bond required herein;
- b. Dog is not validly registered as required herein;
- c. Dog is not maintained in a proper enclosure; or
- d. Dog is outside a proper enclosure in violation of this article.

- (2) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

- a. Not validly registered as required herein;
- b. Not maintained in a proper enclosure; or
- c. Outside a proper enclosure in violation of this article.

(i) *Disposition of confiscated dogs.* Any dangerous dog or potentially dangerous dog that has been confiscated under the provisions of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reclaim and boarding fees as set out in this article. In the event the owner has not complied with the provisions of this article within five days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner. (U.G. Ord. No. 2004-1, § 7, 1-6-2004)

**State law reference**—Dangerous dogs, O.C.G.A. § 4-8-20 et seq.

**Sec. 6-33. Animals subject to impoundment.**

(a) The following animals shall be subject to immediate impoundment and confinement by the animal control officer, his designated representatives, or any law enforcement officer in the UGOCCC:

- (1) Dogs of any age which do not have current tags evidencing rabies vaccinations, as required herein;



- (2) Cats of any age which do not have evidence of inoculation as required herein;
- (3) Public nuisance animals running at large;
- (4) Dogs running at large in a dog leash area as prohibited by section 6-29;
- (5) Dangerous dogs, as classified by the dog control officer, running at large or otherwise in violation of provisions herein;
- (6) Potentially dangerous dogs, as classified by the dog control officer, running at large, or otherwise in violation of provisions herein;
- (7) Any animals determined to be subjected to cruel treatment as set out in section 6-31.

(b) An animal control officer, animal investigator or law enforcement officer may follow an animal that has been seen by said officer in violation of this article onto private property to capture and impound said animal, or to investigate any violation or to enforce the provisions of this article. No injunction, action, or claim for damages may be brought against the unified government, the animal control office or its officers, agents, or employees with respect to actions herein contemplated. No person shall resist or interfere with any animal control officer, animal investigator, or law enforcement officer performing their duties as imposed by this article. (U.G. Ord. No. 2004-1, § 8, 1-6-2004)

**Sec. 6-34. Notice to owners of impounded animals.**

(a) Upon impounding any animal, the animal control officer or his authorized representative shall cause to be made a prompt and reasonable effort to locate the animal's owner, possessor, or custodian and provide to such owner notice of the impoundment.

(b) If the animal is not claimed by the owner, possessor or custodian thereof within three working days from the date of impoundment, then it shall be the duty of the animal control officer or his authorized representative to allow adoption for two working days if the animal control officer determines that the animal is in good health, and

then, after the total period of five working days, to provide for humane destruction of the animal in accordance with the provisions of this article.

(c) A dangerous dog or potentially dangerous dog, as defined and classified herein, shall not be eligible for adoption to any person, and may be reclaimed only by its owner; provided, however, that such reclaim must be made within five calendar days from the date of impoundment.

(d) Any animal not reclaimed or adopted within five working days from the date of impoundment shall be destroyed in a humane manner; provided, however, that any animal impounded which the animal control officer reasonably believes has sustained or suffers from injury or disease which likely will result in maiming, prolonged or severe suffering, or death, may be humanely destroyed immediately and without the waiting period for reclamation or adoption as provided herein. In such instance, the animal control officer shall make record of such injury or disease and shall notify the owner of such animal, if known. The animal control officer may, in his discretion, order examination of such animal by a licensed veterinarian.

(e) In no event shall any animal be redeemed by its lawful owner, possessor or custodian until those fees established for boarding the animal, and for inoculation, as necessary, are paid; and no animal shall be adopted until those fees established for such adoption are paid.

(f) If for any reason as hereinabove described any animal is impounded, or if any owner, possessor or custodian of any animal violates any of the duties imposed by this article as hereinabove described, in addition to the penalties imposed by this article such owner, possessor or custodian shall be conclusively presumed to have given his consent to the adoption of the impounded animal or has given his consent to dispose of the animal in a humane fashion in accordance with this article and the laws of the state, unless the animal has been claimed by its lawful owner, possessor or custodian in accordance with the terms of this section.

(g) Any animal confined for suspicion of rabies or any dangerous dog or potentially dangerous dog which has bitten a person or another animal, shall be kept confined for a period of time as prescribed by the health department, but in no event shall such time be less than ten days. Disposal of such animal shall be in accordance with the rules and regulations of the health department.

(U.G. Ord. No. 2004-1, § 9, 1-6-2004)

**Sec. 6-35. Fees schedule and miscellaneous regulations.**

(a) A schedule of fees to be collected by the animal control officer shall be adopted from time to time by the commission and kept on file with the animal control officer. All fees collected shall be paid over to the unified government treasury on a weekly basis.

(b) Dogs and cats adopted or reclaimed must have a current rabies certificate. Dogs and cats to be adopted or reclaimed without proof of a current inoculation must receive a rabies inoculation prior to adoption or reclaiming. The animal control officer shall require such inoculation to be accomplished before releasing the animal, and shall include the cost of the inoculation with other fees, and in addition to all other fees, to be paid at the time of adoption or reclamation.

(c) Dogs and cats can be adopted only if sterilized at the time of adoption or by the age of six months in the case of dogs and cats younger than six months of age. The animal control officer shall collect the estimated cost of sterilization at the time of adoption, in addition to all other fees, give a receipt thereof to the person adopting the animal which receipt shall state that the fees represented thereby will be paid to a licensed veterinarian performing the procedure upon return of the receipt within 30 days to the animal control officer with a veterinarian's certificate as to the completion of the procedure.

(U.G. Ord. No. 2004-1, § 10, 1-6-2004)

## Chapter 7

### **SIGN REGULATIONS\***

- Sec. 7-1. Statement of purpose.
- Sec. 7-2. Signs shall meet requirements of this section.
- Sec. 7-3. No signs shall hamper traffic safety.
- Sec. 7-4. Locations prohibited.
- Sec. 7-5. Illumination not to be a nuisance.
- Sec. 7-6. Signs not requiring a permit.
- Sec. 7-7. Maximum area of signs.
- Sec. 7-8. Standards for off-site advertising signs (billboards).
- Sec. 7-9. Issuance of permits, administration and filing procedure.

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\*Cross reference—Zoning, App. A.



**Sec. 7-1. Statement of purpose.**

The purpose and intent of this chapter is to establish standards for the fabrication, erection, and use of signs, symbols, markings, displays, or advertising devices (collectively, "signs") within Cusseta-Chattahoochee County. These standards are designed to protect and promote the health and safety of persons within the county and to aid and assist in the promotion of business and industry to providing regulations which allow and encourage creativity, effectiveness, and flexibility in the design and use of signs, while avoiding an environment that encourages visual blight. Nonconforming signs are hereby declared public nuisances and should be abated to protect the public interest and welfare.

Any sign allowed under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message in accordance with the size, height, light, number, and spacing requirements of this chapter.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-2. Signs shall meet requirements of this section.**

All signs in Cusseta-Chattahoochee County shall henceforth be erected, constructed, or maintained in accordance with the provision of the sections below and other applicable sections of the Cusseta-Chattahoochee County Code of Ordinances, and only those signs that are permitted by these regulations shall be erected within the county.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-3. No signs shall hamper traffic safety.**

No sign shall be erected or continued that:

- (1) Obstructs the sight distance along a public right-of-way.
- (2) Would tend by its location, color, or nature, to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle.

- (3) Would by its nature or moving parts tend to confuse traffic or create any potential hazard to traffic.

- (4) Uses admonitions such as "slow," "danger," etc., which might be confused with traffic directional signals.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-4. Locations prohibited.**

No sign shall be attached to or painted on any telephone pole, light pole, telephone pole, or any tree, rock, or other natural object. No signs other than signs erected by public governmental agencies or signs required by law, shall be placed so as to overhang any portion of public right-of-way or other public properties.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-5. Illumination not to be a nuisance.**

Illumination devices such as, but not limited to, flood lights or spot lights, shall be so placed and so shielded as to prevent the rays or illumination therefrom being cast into neighborhood dwellings or approaching vehicles.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-6. Signs not requiring a permit.**

The following signs shall not require a permit:

- (1) Signs to regulate traffic.
- (2) Signs required to be posted by law.
- (3) Warning signs and no trespassing signs.
- (4) Signs established by governmental agencies.
- (5) Signs indicating bus stops and similar transportation facilities.
- (6) Signs not exceeding ten square feet in area giving information concerning the location of use, accessory off-street parking facilities or loading and unloading facilities.
- (7) Temporary real estate signs on a residentially zoned piece of property not exceeding 40 square feet in size, and

temporary real estate signs in any zones other than residential not exceeding 50 square feet in size.

- (8) Any sign not exceeding ten square feet in area other than advertising, separate use, or signs requiring electrical wiring.
- (9) Temporary signs on private land involved in campaigns of religious, charitable, civic, fraternal, political, and similar organizations.
- (10) Point of business sign not exceeding 64 square feet.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-7. Maximum area of signs.**

(a) The maximum area of a point of business sign, an incidental use signs or an identification sign shall be 150 square feet. In R-1, R-2, R-3, R-4, and R-5 zones all signs shall be no larger than ten square feet in area and shall not be illuminated directly or indirectly.

(b) The maximum area of an off-site advertising sign (billboard) shall be 750 square feet, exclusive of any border or trim.

(c) The maximum area of a portable sign shall be 40 square feet.

(d) A temporary sign for a nonconforming business shall not exceed a maximum of 32 square feet.

(e) Construction signs and temporary subdivision signs should not exceed a maximum of 50 square feet.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-8. Standards for off-site advertising signs (billboards).**

(a) Location where allowed: Off-site advertising signs (billboards) shall be allowed only in the following zoning districts:

- (1) C-1.
- (2) I-1.

(b) Off-site advertising sign requirements:

- (1) Sign surface area: Maximum: 750 square feet per face.

(2) Maximum number of signs: Two signs per sign structure which may be single or double-faced, provided that each side shall have no more than 750 square feet.

(3) Height: Maximum:

- a. Arterial street location: 45 feet.
- b. All other locations where allowed: 18 feet.

(4) Minimum clearance required under sign will be ten feet.

(5) Minimum setback: Five feet from the nearest right-of-way line; and ten feet from the right-of-way line intersection point measured at any angle.

(6) Minimum spacing: Three hundred feet on the same side of the road from another off-site sign.

(c) Priority of signs: Where the location of two or more off-site advertising signs conflicts under the requirements of this chapter, the sign meeting the requirements of this chapter and having the earliest dated permit for its erection shall have priority over other signs in conflict herewith.

(d) Off-site advertising signs shall not be established at any location having principal frontage on any street within 100 feet of any church, school, cemetery, public park, public playground, or residential districts including, A-1, R-R, R-1, R-2, R-3, R-4, and R-5 zones.

(e) No revolving or rotating beam or beacon of light that resembles or simulates any emergency light device shall be permitted as part of any sign. Illuminated signs which indicate customary public information, such as time, date, temperature or other similar information shall be permitted. (Within 30 days from the effective date of this chapter is provision must be complied with.)

(f) External lighting, such as floodlights, thin line and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the thoroughfare. Within 30 days from the effective date of the chapter, this provision must be complied with.

(g) The illumination of any sign within 100 feet of an A-1, R-R, R-1, R-2, R-3, R-4, and R-5 lot line shall be defused or indirect in design to prevent direct rays of light from shining into those adjoining zones. Within 30 days from the effective date of this chapter, this provision must be complied with.

(U.G. Ord. No. 2022-6, 12-6-2022)

**Sec. 7-9. Issuance of permits, administration and filing procedure.**

(a) *Issuance of permits:* No sign, except those listed in section 7-6 shall be erected, hung, or placed or structurally altered without a permit from the zoning administrator.

(b) *Filing procedure:* Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from the zoning administrator. Each application shall be accompanied by plans showing the area of the sign, size, and character and the method of illumination, if any, the exact location proposed for such sign, and in the case of a projecting sign the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way line.

(c) *Additional information:* Each applicant shall upon the request of the zoning administrator, submit any additional information deemed necessary by said administrator.

(U.G. Ord. No. 2022-6, 12-6-2022)





Chapter 8

**BUILDINGS AND BUILDING REGULATIONS\***

**Article I. In General**

- Sec. 8-1. State construction codes.
- Sec. 8-2. Water conservation standards for plumbing.
- Secs. 8-3—8-36. Reserved.

**Article II. Building Numbering**

- Sec. 8-37. Penalty.
- Sec. 8-38. Requirements for principal buildings and residence.

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\*State law reference—Buildings generally, O.C.G.A. § 8-2-1 et seq.



**ARTICLE I. IN GENERAL**

**Sec. 8-1. State construction codes.**

The state minimum standard codes as defined in O.C.G.A. § 8-2-20(9)(B)(i)(I)—(9)(B)(i)(VIII) are hereby adopted. Such codes shall be enforced by the building official. Violations of such codes shall be punished as provided in section 1-8.

**State law reference**—Mandatory state codes, O.C.G.A. § 8-2-25.

**Sec. 8-2. Water conservation standards for plumbing.**

(a) *Purpose.* The purpose of this section is to impose water conservation restrictions; to provide definitions; to provide for exemptions; to provide for penalties; to provide for related matters; to repeal conflicting ordinances and for other purposes.

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

*Commercial* means any type of building other than residential.

*Construction* means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

*Residential* means any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

(c) *Residential construction prohibitions.* No construction may be initiated 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; provided, however, this subsection shall not be applicable to one-piece toilets until July 1, 1992.

- (2) Employs a showerhead that allows a flow of more than an average of 2.5 gallons of water per minute at 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.

(d) *Requirements for commercial construction.* On or after July 1, 1992, there shall be no construction of any commercial building initiated for any commercial building of any type which does not meet the requirements of subsection (c)(1) through (c)(4) of this section.

(e) *Renovation and repair requirements.* The requirements of subsection (c) of this section shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, 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.

(f) *Exemptions.* New construction and the repair or renovation of an existing building shall be exempt from the requirements of subsections (c) through (e) of this section 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;
- (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 section were installed;
- (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. Toilets for juveniles.

(g) [*Fee.*] The owner, or his agent, or a building undergoing new construction or repair or renovation who is entitled to an exemption, as specified in subsections (f)(2), (f)(3) or (f)(4) of this section, shall obtain the exemption by applying at the office of the clerk. A fee of \$10.00 shall be charged for the inspection and issuance of such exemption.

(h) *Enforcement; penalty.* This section shall be enforced by the building official. Citations for violations may be issued by the agent designated by the commission. Violations of this section shall be punished as provided in section 1-8.

(County Ord. of 3-5-1991, §§ 1—5, 7)

**State law reference**—Similar provisions, O.C.G.A. §§ 8-2-1—8-2-3.

**Secs. 8-3—8-36. Reserved.**

## ARTICLE II. BUILDING NUMBERING

### Sec. 8-37. Penalty.

Except as otherwise provided, violations of this article shall be punished as provided in section 1-8.

### Sec. 8-38. Requirements for principal buildings and residence.

(a) Each principal building/residence shall have its assigned building number properly displayed, whether or not mail is delivered to such building. Numbers need not be displayed on accessory or out buildings.

(b) To ensure proper placement of said numbers county employees affixed all new numbers at the beginning of the E-911 program. These numbers will be replaced by the county to ensure better visibility and signage uniformity.

(c) Once the new sign numbers are installed by county employees, it shall be the primary occupant's responsibility to see that the numbers/sign are maintained in readable condition. If the set of numbers is destroyed, defaced or otherwise made unreadable, the primary occupant must within 60 days replace the numbers/sign as described in subsection (d) of this section.

(d) To ensure a uniform standard of size, color, etc., of displayed numbers (and mounting posts where applicable) numbers/signs which have to be replaced will be at the expense of the occupant and the occupant shall purchase the sign and numbers from the county at the established price and replace them on the house or sign in the same position as the original numbers.

(e) At the time of obtaining a building permit or water connection for new construction (including mobile homes), the occupant will be advised of the official address for 911 purposes (and mailing purposes, if applicable), and county employees will install numbers/sign according to standards by or before completion of the new construction. The occupant shall display and maintain the same in accordance with the requirements of this article.

(f) In the event of a change of ownership or rental of an existing building/residence (including mobile homes), the new occupant will be advised of the official address for 911 purposes and mailing purposes, if applicable) at the time they apply for water service. The new occupant shall be responsible for checking the posted address number to verify that it does exist and is in good readable condition. The new occupant shall be responsible for replacement of numbers if needed and maintain the numbers in accordance with the requirements of this article.

(g) Any existing numbers which might be mistaken for or confused with the numbers assigned in accordance with the 911 addressing system shall be removed upon installation of the new assigned number. This applies to numbers on mailboxes as well as buildings. According to postal regulations the number should be on the mailbox on the same side as the flag.

(h) Any person who violates this section or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$50.00 and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein shall prevent the Unified Government of Cusseta-Chattahoochee County from taking such other lawful actions as is necessary to prevent or remedy any violation.

(i) If any section, clause, sentence or phrase of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, the said holding shall in no way effect the validity of the remaining portions of this section.

(j) All ordinances and parts of ordinances and code sections and parts of code sections in conflict herewith are repealed. The following enumerated ordinance is specifically repealed in its entirety and replaced with this section:

Chattahoochee County Ordinance No. 1998-2, Codified in Part II, Chapter 8, Sec. 8-38 of the Code of Ordinances of the Unified Government of Cusseta-Chattahoochee County, Georgia entitled "Requirements for Principal Buildings and Residence."

(k) It is the intention of the board of commission and it is hereby ordained that this section shall become and be made a part of the Code of Ordinances of the Unified Government of Cusseta-Chattahoochee County and any section of this section or Code of Ordinances may be renumbered to accomplish such intentions.

(l) This section shall become effective at noon on the day following its adoption.  
(County Ord. No. 1998-2, art. I, 5-5-1998; U.G. Ord. No. 2010-3, 8-3-2010)



## Chapter 9

### **EMERGENCY MANAGEMENT\***

- Sec. 9-1. Regulations continued in effect.
- Sec. 9-2. Emergency management and response powers.
- Sec. 9-3. Enforcement and remedies.
- Sec. 9-4. Authority to waive procedures and fee structures.
- Sec. 9-5. Registration of building and repair services.
- Sec. 9-6. Closed or restricted areas and curfews during emergency.

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\***Editor's note**—U.G. Ord. No. 2012-4, §§ 1—6, adopted Sept. 4, 2012, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included as §§ 9-1—9-6.





**Sec. 9-1. Regulations continued in effect.**

All ordinances, resolutions, motions and orders pertaining to civil defense, emergency management and disaster relief, which are not in conflict with this chapter, are continued in full force and effect. Such ordinances, etc., are on file in the office of the board of commission.  
(U.G. Ord. No. 2012-4, § 1, 9-4-2012)

**Sec. 9-2. Emergency management and response powers.**(a) *Declaration of local emergency.*

- (1) *Grant of authority.* In the event of an actual or threatened occurrence of a disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction or in the major disruption of routine community affairs, business or governmental operations in the county and which is of sufficient severity and magnitude to warrant extraordinary assistance by federal, state and local departments and agencies to supplement the efforts of available public and private resources, the chair of the board of commission may declare a local emergency for Cusseta-Chattahoochee County. The form of the declaration shall be similar to that provided in subsection (b) of this Code section.
- (2) *Request for state assistance.* Consistent with a declaration of local emergency, the chair may request the governor to provide assistance, provided that the disaster or emergency is beyond the capacity of the county to meet adequately and state assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
- (3) *Continuance.* The declaration of local emergency shall continue until the chair finds that emergency conditions no longer exist, at which time, the chair shall execute and file with the clerk of the board of commission a document marking the end of the state of emergency. No state of local emergency shall continue for longer than

30 days, unless renewed by the chair. The board of commission may, by resolution, end a state of local emergency at any time.

(4) *Effect of declaration of emergency.*

a. *Activation of emergency operations plan.* A declaration of emergency by the governor or a declaration of local emergency by the chair shall automatically activate the county emergency operations plan and shall be the authority for deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled or arranged to be made available pursuant to the Georgia Emergency Management Act or any other laws applicable to emergencies or disasters.

1. The Cusseta-Chattahoochee County Emergency Management Agency ("EMA") Director shall have the legal authority to exercise the powers and discharge the duties conferred upon the emergency management agency, including the implementation of the emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with state and federal officials, and inspection of emergency or disaster sites.
2. In responding and conducting necessary and appropriate investigations, the director or his/her designee is authorized to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting sites involved with emergency management functions. The director is authorized to execute a right of entry and/or agreement to use prop-

- erty for these purposes on behalf of the county; however, any such document shall be later presented for ratification at a meeting of the board of commission.
3. No person shall refuse entry or access to any authorized representative or agent of the county who requests entry for purposes of inspection, and who presents appropriate credentials. Nor shall any person obstruct, hamper or interfere with any such representative while that individual is in the process of carrying out his or her official duties.
- b. *Emergency powers.* Following a declaration of emergency and during the continuance of such state of emergency, the chair is authorized to implement local emergency measures to protect life and property or to bring the emergency situation under control. In exercising this authority, the chair may cause to become effective any of the following sections of this chapter as appropriate: Section 9-5 (registration of building and repair services) to become effective if the governor declares a state of emergency; and section 9-6 (closed or restricted areas and curfews). If any of these sections are included in a declaration of local emergency, the same shall be filed in the office of the clerk of the board of commission and shall be in effect until the declaration of local emergency has terminated.
- c. *Authority to waive procedures and fees.* Pursuant to a declaration of emergency, the board of commission is authorized to cause to be effective any of the subsections of section 9-4 of this chapter as appropriate. The implementation of such subsections shall be filed in the office of the clerk of the board of commission.
- d. *Additional emergency powers.* The chair of the board of commission shall have, and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:
1. To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response or recovery;
  2. To prescribe routes, modes of transportation and destinations in connection with evacuation;
  3. To suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and flammable liquids and substances;
  4. To make provision for the availability and use of temporary emergency housing, emergency shelters and/or emergency medical shelters.
  5. To transfer the direction, personnel or functions of any county departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
  6. To utilize all available resources of the county and subordinate agencies over which the county has budgetary control as reasonably necessary to cope with the emergency or disaster;
  7. To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare; and/or the property of citizens;
  8. To suspend any law, Code provision or regulation prescribing the procedures for conduct of

county business, or the orders, rules or regulations of any county agency, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension;

9. To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes;
10. To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during and following a major disaster or emergency.

(b) *Form of declaration of local emergency.* Upon the declaration of local emergency, an official "Declaration of Local Emergency," in substantially the same form set forth below, shall be signed and filed in the office of the Clerk of the Unified Government of Cusseta-Chattahoochee County and shall be communicated to the citizens

of the affected area using the most effective and efficient means available. The declaration shall state the nature of the emergency or disaster, the conditions that require the declaration and any sections of this chapter which shall be in effect.

#### "DECLARATION OF LOCAL EMERGENCY

WHEREAS, Cusseta-Chattahoochee County, Georgia has experienced an event of critical significance as a result of *[description of event]* on *[date]*; and WHEREAS, in the judgment of the Chair of the Cusseta-Chattahoochee County Board of Commission, with advice from the \_\_\_\_\_ Emergency Management Agency, there exist emergency circumstances located in *[describe geographic location]* requiring extraordinary and immediate corrective actions for the protection of the health, safety and welfare of the citizens of \_\_\_\_\_ County, including individuals with household pets and service animals; and

WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event.

NOW, THEREFORE, pursuant to the authority vested in me by local and state law; IT IS HEREBY DECLARED that a local state of emergency exists and shall continue until the conditions requiring this declaration are abated.

#### THEREFORE, IT IS ORDERED:

- (1) That the Cusseta-Chattahoochee County Emergency Management Agency activates the Emergency Operations Plan;
- (2) That the following sections of the Cusseta-Chattahoochee County Code be implemented: *[If deemed appropriate, choose from the following: Section 5 Registration of Building and Repair Services to be effective only if the Governor has declared a state of emergency; and/or Section 6 Closed or Restricted Areas and Curfews]*; and
- (3) That the following measures also be implemented: *[If deemed appropri-*

*ate, select items from Section 2(a)(iv)(C) or (D) or such other measures as appropriate.]*

ENTERED at [time] on [date]

[Signed]

Chair, \_\_\_\_\_ County Board of Commission"

(c) *Contracts with municipalities.* In addition to the normal agreements embodied in the county's emergency operations plan for mutual emergency assistance, the board of commission may contract with any municipality for the administration of an emergency response program.  
(U.G. Ord. No. 2012-4, § 2, 9-4-2012)

**Sec. 9-3. Enforcement and remedies.**

(a) *Law enforcement.* In accordance with O.C.G.A. § 38-3-4, the Cusseta-Chattahoochee County Sheriff's Office shall be authorized to enforce the orders, rules and regulations contained in this chapter and/or implemented by the chair or local governing authority during a declared emergency.

(b) *Penalties.* Failure to comply with any of the requirements or provisions of the regulations contained in this chapter, or with any code section, order, rule or regulation made effective by the chair or local governing authority upon or after the declaration of an emergency shall constitute a violation of the provisions of this chapter. Any person who violates any provision in this chapter shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment, for each violation. Each person assisting in the commission of a violation shall be guilty of separate offenses. Each day during which a violation or failure to comply continues shall constitute a separate violation.

(c) *Injunctive relief.* In accordance with O.C.G.A. § 38-3-5, in addition to the remedies prescribed in this section, the EMA director is authorized to obtain an injunction to restrain violation of laws, code sections, orders, rules and regulations which are contained in the Georgia Emergency Manage-

ment Act and/or this Code, and/or which are implemented by the local governing authority during a declared emergency.

(d) *Enforcement.* Except as otherwise provided in this chapter, this chapter may be enforced by the sheriff's office, the EMA director and any other agency authorized by law.  
(U.G. Ord. No. 2012-4, § 4, 9-4-2012)

**Sec. 9-4. Authority to waive procedures and fee structures.**

(a) *County business.* Upon declaration of an emergency or disaster by the governor or chair of the board of commission the affairs and business of the county may be conducted at places other than the regular or usual location, within or outside of the county, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the board of commission shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

*[Note: Local legislation should be reviewed to determine whether there are restrictions upon moving the meeting location if it is only a locally declared emergency and not a state of emergency declared by the governor.]*

(b) *Public works contracts.* Upon declaration of an emergency or disaster by the governor or chair of the board of commission, the board of commission may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e).

(c) *Purchasing.* Upon declaration of an emergency or disaster by the governor or chair of the board of commission, the purchasing ordinances, regulations or policies may be suspended. County officials shall continue to seek to obtain the best prices during the state of local emergency.

(d) *Code enforcement.* Upon declaration of a state of emergency or disaster by the governor or the chair of the board of commission, the board of commission may temporarily suspend the enforcement of the ordinances of the county, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.

(e) *Fees.* Upon declaration of a state of emergency or disaster by the governor or the chair of the board of commission, the board of commission may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean-up of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the county on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation.

(f) *Temporary dwellings.* Upon the declaration of a state of emergency or disaster by the governor or chair of the board of commission, the board of commission or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by Development Code, while the primary dwelling is being repaired, provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county health department and development services. The temporary permit shall not exceed six months in duration. In the case of a continuing hardship,

and in the discretion of the board of commission or its designee, the permit may be extended for a period of up to an additional six months. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed. (U.G. Ord. No. 2012-4, § 5, 9-4-2012)

#### **Sec. 9-5. Registration of building and repair services.**

(a) In accordance with O.C.G.A. § 38-3-56, before building, constructing, repairing, renovating or making improvements to any real property, including dwellings, homes, buildings, structures or fixtures within an area in the unincorporated area of the county designated in a declared emergency or disaster, any person, firm, partnership, corporation or other entity must register with the Cusseta-Chattahoochee County Development Services Department and secure a building permit that is posted at the work site. Each day any such entity does business in the unincorporated areas of the county without complying with this chapter constitutes a separate offense.

(b) The cost of registration fees in a declared emergency or disaster is fixed at \$\_\_\_\_\_ per annum. Registration is nontransferable. The cost of the emergency building permit shall be equal to the cost for a building permit under existing regulations. The permit shall only be authorized for repairs.

(c) When registering, any person, partnership, corporation or other entity making application must, under oath, complete an application, providing the following information:

- (1) Name of applicant;
- (2) Permanent address and phone number of applicant;
- (3) Applicant's Social Security Number or federal employer identification number;
- (4) If applicant is a corporation, the state and date of incorporation;
- (5) Tag registration information for each vehicle to be used in the business;
- (6) List of cities and/or counties where the applicant has conducted business within the past 12 months;

- (7) Georgia sales tax number or authorization;
- (8) Georgia business license number, if required;
- (9) Copy of license from the Secretary of State, if required.

(d) Effective date. This section shall become effective only upon a declaration of emergency by the Governor and a local declaration stating this section is in effect. Unless otherwise specified in the declaration of emergency or otherwise extended by the board of commissioners, the provisions of this Code section shall remain in effect during the state of emergency and for a subsequent recovery period of three months.

**Sec. 9-6. Closed or restricted areas and curfews during emergency.**

(a) To preserve, protect or sustain the life, health, welfare or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander or stroll in or upon the public streets, highways, roads, lanes, parks or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any other place during a declared emergency between hours specified by the chair until the curfew is lifted.

(b) To promote order, protect lives, minimize the potential for looting and other crimes, and facilitate recovery operations during an emergency, the chair shall have discretion to impose reentry restrictions on certain areas. The chair shall exercise such discretion in accordance with the county emergency operations plan, which shall be followed during emergencies.

(c) The provisions of this section shall not apply to persons acting in the following capacities:

- (1) Authorized and essential law enforcement personnel;
- (2) Authorized and essential health care providers;
- (3) Authorized and essential personnel of the county;

- (4) Authorized National Guard or federal military personnel;
- (5) Authorized and essential firefighters;
- (6) Authorized and essential emergency response personnel;
- (7) Authorized and essential personnel or volunteers working with or through the county emergency management agency (EMA);
- (8) Authorized and essential utility repair crews;
- (9) Citizens seeking to restore order to their homes or businesses while on their own property or place of business;
- (10) Other authorized and essential persons as designated on a list compiled by EMA, the director of public safety and/or the sheriff of the county.

(d) Enforceability. This section shall be enforced by officers of the law enforcement personnel approved to provide aid and assistance during the emergency.

Nothing contained in this section shall prohibit a law enforcement officer from bringing other charges under state law.

(e) Effective date. This section shall become effective only upon the signing of a declaration of emergency, stating this section is in effect. (U.G. Ord. No. 2012-4, § 6, 9-4-2012)

## Chapter 10

### ENVIRONMENT

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## ARTICLE I. IN GENERAL

**Secs. 10-1—10-18. Reserved.**

## ARTICLE II. ON-SITE SEWAGE MANAGEMENT SYSTEMS\*

**Sec. 10-19. Title.**

This article shall be known and may be cited as the Cusseta-Chattahoochee County On-Site Sewage Management Systems Ordinance. (U.G. Ord. No. 2015-2, 12-1-2015)

**Sec. 10-20. Definitions.**

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

*County board of health.* This term shall refer to and mean the Cusseta-Chattahoochee County Board of Health.

*County planning commission.* This term shall refer to and mean the Cusseta-Chattahoochee County Planning Commission.

*On-site sewage management system.* This term shall refer to and mean a sewage management system other than a public or community sewage treatment system, whether serving single or multiple buildings, mobile homes, recreational vehicles, residences or other facilities designed or used primarily for human occupancy or congregation. Included are conventional septic tank systems, privies, experimental and alternative on-site sewage management systems, portable toilets, and other systems subject to approval by the county board of health. (U.G. Ord. No. 2015-2, 12-1-2015)

\***Editor's note**—U.G. Ord. No. 2015-2, adopted Dec. 1, 2015, repealed the former Art. II, §§ 10-19—10-25, and enacted a new Art. II as set out herein. The former Art. II pertained to on-site sewage systems and derived from County Ord. of 11-5-1985, §§ 1—5; City Ord. No. 5-85, § 1.12, adopted Oct. 14, 1985.

**State law reference**—Standards for sewage management systems, O.C.G.A. § 31-2-7.

**Sec. 10-21. On-site sewage management system required.**

Where public or community sewage treatment systems are not available, the owner, lessee or agent thereof of every building, residence or property primarily designed, used or intended to be used for human occupancy or congregation, shall provide an approved on-site sewage management system sufficient for persons normally expected to use or frequent the building, residence or other property for two hours or more. This requirement shall not apply to barns, outbuildings, shops or similar buildings not designed primarily for human occupation or congregation. (U.G. Ord. No. 2015-2, 12-1-2015)

**Sec. 10-22. Standards required.**

New installations, additions and repairs of on-site sewage management systems shall meet all standards and satisfy all applicable provisions set forth by the county board of health and the Georgia Department of Public Health. No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system is required or will be utilized, nor install an on-site sewage management system without having first applied for and obtained from the county board of health, approval and a construction permit for the installation. No person may cover or use an on-site sewage management system until final inspection has been made by the county board of health to determine compliance with the provisions and standards of construction, and written approval has been issued by the county board of health. (U.G. Ord. No. 2015-2, 12-1-2015)

**Sec. 10-23. Subdivision and mobile home parks.**

No person may sell, offer for sale, lease, rent, begin construction or otherwise commence the physical development or improvement of a subdivision or mobile home park where public or community sewage treatment systems are not available or contemplated to be available to serve the proposed development until proposals and plans for the water supply and sewage disposal method to be provided or installed have

been submitted to, and written approval thereof has been obtained from, the county board of health, county planning commission and the Georgia Department of Public Health. (U.G. Ord. No. 2015-2, 12-1-2015)

**Sec. 10-24. Prohibited discharge.**

No person shall allow the unapproved discharge, dumping, or spillage of sewage or septage, nor shall an on-site sewage management system be used or maintained in such manner that will allow the seepage or discharge of effluent from such system to the ground surface or into a water well, abandoned well, water course, drainage ditch, open trench, canal, storm drain or storm sewer, lake, stream, river, groundwater or other body of water. Septage removal and disposal of the contents of on-site sewage management systems shall be carried out in accordance with public health and environmental protection regulations. When, in the opinion of the county board of health, an existing on-site sewage management system presents an eminent or probable threat to public health, the use of such system shall be immediately discontinued and corrective measures shall be taken by the owner to preserve public health.

(U.G. Ord. No. 2015-2, 12-1-2015)

**Sec. 10-25. Penalties.**

Any person violating any of the provisions of this article may be prosecuted in the Magistrate's Court of Cusseta-Chattahoochee County, and if convicted shall be punished by a fine of not less than \$25.00 and not more than \$1,000.00 as provided in section 36-1-20 of the Official Code of Georgia. Each day in violation of this article shall be considered a separate punishable offense. (U.G. Ord. No. 2015-2, 12-1-2015)

**Sec. 10-26. Administration and enforcement.**

The Cusseta-Chattahoochee County Environmental Health Specialist of the County Health Department, together with the Cusseta-

Chattahoochee County Code Enforcement Department shall be jointly responsible for the administration and enforcement of this article. (U.G. Ord. No. 2015-2, 12-1-2015)

**Secs. 10-27—10-53. Reserved.**

**ARTICLE III. WELLHEAD PROTECTION\***

**Sec. 10-54. Definitions.**

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

*Hazardous waste or material* means any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

*Sanitary landfill* means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

*Wellhead* means the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

(County Ord. of 5-1-2001, § 2)

**Sec. 10-55. Purpose.**

The purpose of this article is to ensure the provision of a safe and sanitary drinking water supply for the UGOCCC by the establishment of wellhead protection zones surrounding the wellheads for all wells which are the supply sources for the county water system and by the

\*State law reference—Water Well Standards Act of 1985, O.C.G.A. § 12-5-120 et seq.

designation and regulation of property uses and conditions which may be maintained within such zones.

(County Ord. of 5-1-2001, § 1)

**Sec. 10-56. Establishment of wellhead protection zone.**

There is hereby established a use district to be known as a wellhead protection zone, identified and described as all the area within a circle the center of which is the center of any unified government water supply wellhead and the radius of which is 250 feet.

(County Ord. of 5-1-2001, § 3)

**Sec. 10-57. Permitted uses.**

The following uses shall be permitted within wellhead protection zones:

- (1) Any use permitted within existing agricultural or single-family residential districts, except that the minimum residential lot size for a lot, any portion of which lies within the wellhead protection zone, shall not be less than one acre; and
- (2) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(County Ord. of 5-1-2001, § 4)

**Sec. 10-58. Prohibited uses.**

The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under section 10-57:

- (1) Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides.
- (2) Septic tanks or drain fields appurtenant thereto.
- (3) Impervious surfaces other than roofs of buildings, and streets, driveways and walks serving buildings permitted under section 10-57.

(4) Sanitary landfills.

(5) Hazardous waste disposal sites.

(6) Stormwater infiltration basins.

(7) Underground storage tanks.

(8) Sanitary sewer lines within 250 feet of a wellhead.

(County Ord. of 5-1-2001, § 5)

**Sec. 10-59. Administration.**

The policies and procedures for the administration of any wellhead protection zone established under this article, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be the same as provided in the zoning.

(County Ord. of 5-1-2001, § 6)

**Secs. 10-60—10-75. Reserved.**

**ARTICLE IV. OUTDOOR LANDSCAPE WATERING\***

**Sec. 10-76. Restriction on outdoor watering of landscape.**

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the area of the Unified Government of Cusseta-Chattahoochee County may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (1) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry including, but not limited to, chicken, hens, ratites and turkeys; producing plants, trees, fowl,

\***Editor's note**—U.G. Ord. No. 2010-5, §§ 1, 2, adopted Dec. 7, 2010, effective Jan. 1, 2011, added provisions that were not specifically amendatory. At the editor's discretion, these provisions have been included as §§ 10-76, 10-77.

or animals; or the commercial productions of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

- (2) Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines;
  - (3) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
  - (4) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
  - (5) Watering personal food gardens;
  - (6) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
  - (7) Drip irrigation or irrigation using soaker hoses;
  - (8) Hand watering with a hose with automatic cutoff or handheld container;
  - (9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
  - (10) Watering horticultural crops held for sale, resale, or installation;
  - (11) Watering athletic fields, golf courses, or public turf grass recreational areas;
  - (12) Installations, maintenance, or calibration of irrigation systems; or
  - (13) Hydroseeding.
- (U.G. Ord. No. 2010-5, § 1, 12-7-2010, eff. 1-1-2011)

#### **Sec. 10-77. Enforcement.**

(a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in [this] article.

(b) The county manager or his/her designee shall be the enforcement authority for this article. The county manager may also authorize other departments as may be deemed necessary to support enforcement.

(c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court or by any other legal means as set forth in this Code.

(U.G. Ord. No. 2010-5, § 2, 12-7-2010, eff. 1-1-2011)

#### **Secs. 10-78—10-100. Reserved.**

### **ARTICLE V. TIMBER HARVESTING\***

#### **Sec. 10-101. [Notice of harvesting operations.]**

All persons or firms harvesting standing timber in any area of Cusseta-Chattahoochee County for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state shall provide notice of such harvesting operations to the Cusseta-Chattahoochee County Governing Authority or the designated agent thereof prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give notice of cessation of cutting within 24 hours after the job is completed.

(U.G. Ord. No. 2021-1, § 1, 3-2-2021)

#### **Sec. 10-102. [Notice required for each separate tract; information to provide.]**

The notice of harvesting operations required by this article shall be provided for each separate

\***Editor's note**—U.G. Ord. No. 2021-1, §§ 1—15, adopted March 2, 2021, added provisions that were not specifically amendatory. At the editor's discretion, these provisions have been included as §§ 10-101—10-115.

tract to be harvested. Such notice shall be made in such form as prescribed by rule or regulation of the Director of the Georgia Forestry Commission, and shall include the following information:

- (1) A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road. If multiple points of ingress and/or egress will be used, all such points shall be identified;
  - (2) A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. § 48-5-7.5;
  - (3) The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
  - (4) The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.
- (U.G. Ord. No. 2021-1, § 2, 3-2-2021)

**Sec. 10-103. [Submission of notice.]**

Subject to the provisions of section 10-105 of this article, the notice required by this article may be submitted in person, by transmission of an electronic record via telefacsimile or e-mail, or by mail.

(U.G. Ord. No. 2021-1, § 3, 3-2-2021)

**Sec. 10-104. [State-wide notification website.]**

Subject to the provisions of section 10-105 of this article, upon notification published by the Director of the Georgia Forestry Commission that a state-wide notification website or platform is available for public use, persons or firms wishing to utilize said website or platform to

provide the notice required by this article may do so at their option, and Cusseta-Chattahoochee County will accept notifications submitted in this manner.

(U.G. Ord. No. 2021-1, § 4, 3-2-2021)

**Sec. 10-105. [Mandatory use of the state-wide notification website on and after a specific date.]**

On and after a date specified and published by the Director of the Georgia Forestry Commission, use of the state-wide notification website or platform shall be mandatory and shall be the sole means of providing the notice required by this article; on and after said date submission of the notice by any of the means listed in section 10-103 above shall cease and will no longer be deemed acceptable or in compliance with this article.

(U.G. Ord. No. 2021-1, § 5, 3-2-2021)

**Sec. 10-106. [Surety bond or letter of credit required for notice.]**

The notice required by this article shall not be or remain effective unless and until the person or firm providing such notice has delivered to the Governing Authority of Cusseta-Chattahoochee County or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting Cusseta-Chattahoochee County against any damage caused by such person or firm in the amount of \$5,000.00; provided however, that at the option of the person or firm harvesting timber a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. § 7-1-4, in the amount of \$5,000.00 may be provided in lieu of a surety bond. Such bonds or letters of credit shall be subject to the conditions set forth in sections 10-107 and 10-108 of this article. No more than one bond or letter of credit shall be required from each person or firm harvesting timber, regardless of the number or tracts harvested in the county for so long as the bond or letter of credit remains in effect. The bond or letter of credit required herein shall be valid only for the calendar year in which it was delivered.

(U.G. Ord. No. 2021-1, § 6, 3-2-2021)

**Sec. 10-107. [Proceeds of bond or letter of credit available as reimbursement.]**

The bond or letter of credit required by section 10-106 of this article shall protect Cusseta-Chattahoochee County against any damage requiring re-ditching or repair of existing ditch structures or the removal of any harvesting residue, including tree tops, debris, logs, pulpwood and other materials, placed in or around the county's rights-of-way caused by such person or firm tendering the bond or letter of credit. The proceeds of such bond or letter of credit shall be available to reimburse the county for any cost incurred to repair such damages or remove such debris in or around the county's rights-of-way. The proceeds of such bond or letter of credit shall also be available to reimburse the county for any costs incurred to maintain or repair county roads damaged by the ingress or egress of motor vehicles engaged in the harvest operations located within 500 feet of any point of ingress or egress of the timber harvesting operation. The right of Cusseta-Chattahoochee County to call such bond or letter of credit in accordance with the provisions of section 10-108 of this article shall be in addition to any other remedies available to the county at law or in equity for damage to county roads or rights-of-way.

(U.G. Ord. No. 2021-1, § 7, 3-2-2021)

**Sec. 10-108. [Written claim of damages.]**

When damage results from a person or firm's harvesting activities, the Governing Authority of Cusseta-Chattahoochee County shall make and provide a written claim to the person or firm causing the damage within 30 business days after the governing authority becomes aware of the damage. Such claim may be given in person, by telefacsimile, email or mail. The claim shall describe the damage in detail and, in compliance with section 10-109(1) of this article, give the person or firm the opportunity to repair such damage within 30 days of the notification; provided, however, the county shall be authorized to repair the damage immediately if the governing authority or its designee determines the conditions present a threat to public safety, health or welfare and, upon making such repairs,

shall present to the person or firm and the issuer of the applicable bond or letter of credit an itemized list of expenses incurred as a claim against the responsible party and the issuer of its bond or letter of credit. Upon the issuance of a claim as provided in this section the Governing Authority of Cusseta-Chattahoochee County or its designee shall notify the issuer of the bond or letter of credit that a claim has been made and will be resolved or adjudicated according to the terms of this article.

(U.G. Ord. No. 2021-1, § 8, 3-2-2021)

**Sec. 10-109. [Repair of damages; extension; appeal.]**

Within 30 days of receipt of the written claim described in section 10-108, the person or firm against whom the claim is submitted may:

- (1) Repair such damage at his or its own expense with the approval and supervision of the Governing Authority of Cusseta-Chattahoochee County or its designee. When repairs are completed to the satisfaction of the governing authority or its designee, the governing authority or its designee shall provide a written notification of satisfactory completion within five business days to the responsible person or firm and to the surety issuing the bond or the bank issuing the letter of credit, thereby terminating the claim.
- (2) In the event of inclement weather or other factors preventing repair of the damage request a 30-day extension to repair the damage from the Governing Authority of Cusseta-Chattahoochee County, provided that no extensions shall exceed 90 days from the date the claim was tendered. Approval of any extension shall be at the discretion of the Governing Authority of Cusseta-Chattahoochee County or its designee.
- (3) Appeal the claim to the Magistrate Court of Cusseta-Chattahoochee County. Any such appeal must name the issuer of the bond or letter of credit as a party, who shall be served with all pleadings in the

action and shall have the right to appear. The magistrate court will hear evidence and arguments within 30 days of the written appeal and issue a ruling within ten days of such hearing. Any such appeal shall toll the 30 day period, or any extension thereof, required by section 10-108 of this article. If the magistrate court rules in favor of the person or firm against whom the claim was made, the county shall have no right to recover any proceeds of the bond or letter of credit, and judgement shall be entered against the county. If the magistrate court rules in favor of the county the court shall determine the amount of damages to which the county is entitled to recover and enter judgement accordingly; the Governing Authority of Cusseta-Chattahoochee County shall be authorized to call the bond or letter of credit and recover of the proceeds thereof an amount equal to the judgement entered by the court, up to the total amount of the bond or letter of credit. The portion of any judgement entered in favor of the county that exceeds the amount of the bond or letter of credit shall be subject to collection by any additional remedies at law or equity.

- (4) In the event the person or firm against whom the claim has been submitted fails to take any of the actions allowed under subsections (1), (2) or (3) of this section within the time required therein, such person or firm shall be deemed to have waived any and all rights to contest the call of the bond or letter of credit.

(U.G. Ord. No. 2021-1, § 9, 3-2-2021)

**Sec. 10-110. [New bond or letter of credit required if timber harvesting operation continues beyond approved calendar year.]**

If the person or firm tendering the bond or letter of credit pursuant to the requirements of this article continues its timber harvesting operation beyond the calendar year in which the bond or letter of credit was issued, the person or firm

continuing the timber harvesting operation shall tender a new bond or letter of credit within five business days after the first day of the new calendar year.

(U.G. Ord. No. 2021-1, § 10, 3-2-2021)

**Sec. 10-111. [Replacement bond or letter of credit due to revocation; amount increased.]**

In the event a bond or letter of credit tendered pursuant to the requirements of this article is revoked by the surety or bank, then a valid replacement bond or letter of credit must be delivered to the Governing Authority of Cusseta-Chattahoochee County within five business days after the date of revocation in order for timber harvesting operations to continue. In addition, if the person or firm tendering the bond or letter of credit caused its revocation, the amount of the bond or letter of credit required shall be increased to \$7,500.00 after the first revocation, and \$10,000.00 after a second revocation caused by the person or firm tendering the bond or letter of credit. The maximum amount of the bond or letter of credit shall not exceed \$10,000.00.

(U.G. Ord. No. 2021-1, § 11, 3-2-2021)

**Sec. 10-112. [Authorize to harvest; report changes in operation.]**

Submission of the notice required by this article shall authorize the person or firm submitting same to undertake the timber harvesting operation described in the notice and shall remain in effect until such time as the person or firm gives notice that the harvesting operation is complete; provided, however, that any change in the facts required to be provided for purposes of such notice, including but not limited to a change in the scope or extent of the operation, must be reported to the Governing Authority of Cusseta-Chattahoochee County within three business days after such change.

(U.G. Ord. No. 2021-12, § 1, 3-2-2021)

**Sec. 10-113. [Failure to comply; fine.]**

Any person or firm that engages in a timber harvesting operation in Cusseta-Chattahoochee County without complying with the notice require-

ments of this article shall be subject to a citation and trial, and upon conviction shall be fined in an amount not to exceed \$1,500.00 for each violation.

(U.G. Ord. No. 2021-1, § 13, 3-2-2021)

**Sec. 10-114. [Applicable activities per state law.]**

This article applies to activities which qualify as forestry land management practices or agricultural operations under O.C.G.A. § 12-7-17(5) and (6) on land that is zoned for or used for forestry, silvicultural or agricultural purposes. It shall not authorize land disturbing activities incidental to development in conflict with the limitations set fourth in O.C.G.A. § 12-7-17(6).

(U.G. Ord. No. 2021-1, § 14, 3-2-2021)

**Sec. 10-115. [Fees; permits; consultation with county officials; legal action.]**

Consistent with O.C.G.A. § 12-6-24:

- (1) No fee shall be charged to provide and submit the notice required by this article; and
- (2) No permit, including a driveway permit, shall be required of the person or firm engaged in a timber harvesting operation as defined by said Code section. Persons and firms providing the notice required by this article may be asked to consult with county officials responsible for roads and public works for the purpose of minimizing damage to the county's roads, rights-of-way and infrastructure, and are urged to follow recommendations from county officials. Notwithstanding the foregoing, the person or firm conducting the timber harvest operation bears ultimate responsibility for their actions, and nothing in this article shall preclude the Governing Authority of Cusseta-Chattahoochee County from taking any and all legal action necessary to protect its property and the health, safety and welfare of its citizens.

(U.G. Ord. No. 2021-1, § 15, 3-2-2021)



Chapter 11

**RESERVED**



## Chapter 12

### FLOODS

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Secs. 12-1—12-18. Reserved.

#### Article II. Flood Damage Prevention

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Sec. 12-20. Findings of fact.  
Sec. 12-21. Statement of purpose.  
Sec. 12-22. Objectives.  
Sec. 12-23. Lands to which this article applies.  
Sec. 12-24. Basis for area of special flood hazard.  
Sec. 12-25. Establishment of development permit.  
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## ARTICLE I. IN GENERAL

**Secs. 12-1—12-18. Reserved.**

## ARTICLE II. FLOOD DAMAGE PREVENTION\*

### DIVISION 1. GENERALLY

#### Sec. 12-19. Authorization.

Article IX, Section II of the Constitution of the State of Georgia, O.C.G.A. § 36-1-20(a) and Article I, section 1-104 of the Charter of the Unified Government of Cusseta-Chattahoochee County, Georgia, have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.  
(U.G. Ord. No. 2010-2, art. 1, § A, 8-3-2010, eff. 9-17-2010)

#### Sec. 12-20. Findings of fact.

(a) The flood hazard areas of Cusseta-Chattahoochee County, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.  
(U.G. Ord. No. 2010-2, art. 1, § B, 8-3-2010, eff. 9-17-2010)

**\*Editor's note**—U.G. Ord. No. 2010-2, art. 1, §§ A—D, art. 2, §§ A—H, art. 3, §§ A—C, art. 4, §§ A—G, arts. 5, 6, adopted August 3, 2010, effective Sept. 17, 2010, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 12-19—12-30, 12-49—12-51, 12-76—12-80, pertained to similar subject matter, and derived from U.G. Ord. No. 2004-5, art. 1, §§ A—D, art. 2, §§ B—H, S, art. 3, §§ A—C, art. 4, §§ A—E, arts. 5, 6, adopted June 1, 2004.

#### Sec. 12-21. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion; and;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(U.G. Ord. No. 2010-2, art. 1, § C, 8-3-2010, eff. 9-17-2010)

#### Sec. 12-22. Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- (4) To minimize expenditure of public money for costly flood control projects;

- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions; and,
- (7) To insure that potential homebuyers are notified that property is in a flood area.

(U.G. Ord. No. 2010-2, art. 1, § D, 8-3-2010, eff. 9-17-2010)

**Sec. 12-23. Lands to which this article applies.**

This article shall apply to all areas of special flood hazard within the jurisdiction of Cusseta-Chattahoochee County, Georgia.

(U.G. Ord. No. 2010-2, art. 2, § A, 8-3-2010, eff. 9-17-2010)

**Sec. 12-24. Basis for area of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated September 17, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 17, 2010, with accompanying maps and other supporting data and any revision thereto, for Cusseta-Chattahoochee County are hereby adopted by reference.

Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located in the office of the board of tax assessors.

(U.G. Ord. No. 2010-2, art. 2, § B, 8-3-2010, eff. 9-17-2010)

**Sec. 12-25. Establishment of development permit.**

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(U.G. Ord. No. 2010-2, art. 2, § C, 8-3-2010, eff. 9-17-2010)

**Sec. 12-26. Compliance.**

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

(U.G. Ord. No. 2010-2, art. 2, § D, 8-3-2010, eff. 9-17-2010)

**Sec. 12-27. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(U.G. Ord. No. 2010-2, art. 2, § E, 8-3-2010, eff. 9-17-2010)

**Sec. 12-28. Interpretation.**

In the interpretation and application of this article all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(U.G. Ord. No. 2010-2, art. 2, § F, 8-3-2010, eff. 9-17-2010)

**Sec. 12-29. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood

hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the Unified Government of Cusseta-Chattahoochee County, Georgia, or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(U.G. Ord. No. 2010-2, art. 2, § G, 8-3-2010, eff. 9-17-2010)

**Sec. 12-30. Penalties for violation.**

Failure to comply with the provisions of this article or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Unified Government of Cusseta-Chattahoochee County from taking such other lawful actions as is necessary to prevent or remedy any violation.

(U.G. Ord. No. 2010-2, art. 2, § H, 8-3-2010, eff. 9-17-2010)

**Sec. 12-31. Variance procedures.**

(a) The Board of Commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall hear and decide requests for appeals or variance from the requirements of this article.

(b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the emergency management director in the enforcement or administration of this article.

(c) Any person aggrieved by the decision of the board of commission may appeal such decision to the Superior Court of Chattahoochee County, Georgia, as provided in O.C.G.A. § 5-4-1.

(d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) In reviewing such requests, the board of commission shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

(h) Conditions for variances:

(1) A variance shall be issued only when there is:

- a. A finding of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship; and,
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this article are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that

the variance is the minimum necessary so as not to destroy the historic character and design of the building.

- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
- (4) The emergency management director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(i) Upon consideration of the factors listed above and the purposes of this article, the board of commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(U.G. Ord. No. 2010-2, art. 5, 8-3-2010, eff. 9-17-2010)

### **Sec. 12-32. Definitions.**

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

*Accessory structure* means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction."

*Appeal* means a request for a review of the emergency management director's interpretation of any provision of this article.

*Area of shallow flooding* means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in section 12-24.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation (BFE)* [means] the elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

*Basement* means that portion of a building having its floor sub grade (below ground level) on all sides.

*Building* means any structure built for support, shelter, or enclosure for any occupancy or storage.

*Critical facility* means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;



- (3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (4) Generating plants, and other principal points of utility lines.

*Development* means any 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.

*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.

*Existing construction* means for the purposes of determining rates, structures for which the "start of construction" commenced before January 6, 1988 [the effective date of the initial FIRM for that community].

*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 February 1, 1977 [the effective date of the first floodplain management regulations adopted by a community].

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or

- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

*Flood insurance study* the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

*Floodplain* means any land area susceptible to flooding.

*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.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing main-

tained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Lowest floor* means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

*Manufactured home* means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*National Geodetic Vertical Datum (NGVD)* as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

*New construction* means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after January 6, 1988 [the effective date of the initial FIRM] and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after February 1, 1977 [the effective date of the FIRST floodplain management ordinance adopted by the community] and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after February 1, 1977 [the effective date of the first floodplain management regulations adopted by a community].

*North American Vertical Datum (NAVD)* has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

*Recreational vehicle* means a vehicle, which is:

- (1) Built on a single chassis;

- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Start of construction* means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: accessory structures are not exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

*Subdivision* the division of a single lot into two or more lots for the purpose of sale or development.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged

condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the "start of construction" of the improvement. Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage," regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

*Substantially improved existing manufactured home parks or subdivisions* is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* is a grant of relief from the requirements of this article, which permits construction in a manner otherwise prohibited by this article.

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.  
(U.G. Ord. No. 2010-2, art. 6, 8-3-2010, eff. 9-17-2010)

**Secs. 12-33—12-50. Reserved.**

DIVISION 2. ADMINISTRATION

**Sec. 12-51. Designation of article administrator.**

The emergency management director is hereby appointed to administer and implement the provisions of this article.  
(U.G. Ord. No. 2010-2, art. 3, § A, 8-3-2010, eff. 9-17-2010)

**Sec. 12-52. Permit procedures.**

Application for a development permit shall be made to the emergency management director on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

- (1) *Application stage:*
  - a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
  - b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
  - c. 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 12- 77(2);

- d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development; and

- (2) *Construction stage:* For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or 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 emergency management director 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.

(U.G. Ord. No. 2010-2, art. 3, § B, 8-3-2010, eff. 9-17-2010)

**Sec. 12-53. Duties and responsibilities of the administrator.**

Duties of the emergency management director as administrator shall include, but shall not be limited to:

- (1) Review proposed development to assure that the permit requirements of this article have been satisfied.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from

- which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
  - (4) When base flood elevation data or floodway data have not been provided in accordance with section 12-24, then the emergency management director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of division 3.
  - (5) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with section 12-52(2).
  - (6) 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 12-52(2).
  - (7) When flood-proofing is utilized for a structure, the emergency management director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with section 12-52(1)c. and section 12-77(2) or 12-79(2).
  - (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
  - (9) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
  - (10) For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
  - (11) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the emergency management director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
  - (12) All records pertaining to the provisions of this article shall be maintained in the office of the emergency management director and shall be open for public inspection.
- (U.G. Ord. No. 2010-2, art. 3, § C, 8-3-2010, eff. 9-17-2010)

**Secs. 12-54—12-75. Reserved.**

**DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION**

**Sec. 12-76. General standards.**

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

- (4) Elevated buildings: All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    2. The bottom of all openings shall be no higher than one foot above grade; and
    3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
  - b. So as not to violate the "lowest floor" criteria of this article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
  - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
  - (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  - (8) 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;
  - (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
  - (10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (U.G. Ord. No. 2010-2, art. 4, § A, 8-3-2010, eff. 9-17-2010)

#### **Sec. 12-77. Specific standards.**

In all areas of special flood hazard the following provisions are required:

- (1) *New construction and/or substantial improvements.* Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both

sides of exterior walls shall be provided in accordance with standards of section 12-76(4), "elevated buildings."

- a. 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.
- (2) *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 12-53(6).
  - (3) *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data are available:
    - a. All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.
    - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
      1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or
      2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
    - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. section 12-76(6) above)
    - d. All recreational vehicles placed on sites must either:
      1. Be on the site for fewer than 180 consecutive days;
      2. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
      3. The recreational vehicle must meet all the requirements for "new construction," including the anchoring and elevation requirements of section 12-77(3)a., c., above.
  - (4) *Floodway.* Located within areas of special flood hazard established in section 12-24, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or

erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- b. Only if section 12-77(4)a. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of division 3.

(U.G. Ord. No. 2010-2, art. 4, § B, 8-3-2010, eff. 9-17-2010)

**Sec. 12-78. 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 12-24, where streams exist but no base flood data have been provided (A zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with section 12-24, then the emergency management director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal,

state, or other source, in order to administer the provisions of division 3. Only if data are not available from these sources, then the following provisions (2) and (3) shall apply:

- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.
- (3) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 12-76(4) "elevated buildings."

- a. 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 emergency management director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(U.G. Ord. No. 2010-2, art. 4, § C, 8-3-2010, eff. 9-17-2010)

**Sec. 12-79. 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 12-24, where streams



with base flood elevations are provided but no floodways have been designated, (zones AE) the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with section 12-77.

(U.G. Ord. No. 2010-2, art. 4, § D, 8-3-2010, eff. 9-17-2010)

**Sec. 12-80. Standards for areas of shallow flooding (AO zones).**

Areas of special flood hazard established in section 12-24, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood

waters shall be provided in accordance with standards of section 12-77(4), "elevated buildings."

The emergency management director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction or the substantial improvement of a non-residential structure may be 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 12-52(1)c. and (2).

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(U.G. Ord. No. 2010-2, art. 4, § E, 8-3-2010, eff. 9-17-2010)

**Sec. 12-81. 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, if available, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

(d) For subdivisions and/or developments greater than 50 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.

(U.G. Ord. No. 2010-2, art. 4, § F, 8-3-2010, eff. 9-17-2010)

**Sec. 12-82. 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.

(U.G. Ord. No. 2010-2, art. 4, § G, 8-3-2010, eff. 9-17-2010)

Chapter 13

**RESERVED**



## Chapter 14

### LICENSES, TAXATION AND MISCELLANEOUS REGULATIONS\*

#### Article I. In General

Secs. 14-1—14-18. Reserved.

#### Article II. Business Licenses

- Sec. 14-19. Definitions.
- Sec. 14-20. Occupation tax requirements.
- Sec. 14-21. Administrative fee.
- Sec. 14-22. Occupation tax levied; structure; restrictions.
- Sec. 14-23. Tax to be paid by out-of-state businesses and practitioners; exemption for tax paid in other states.
- Sec. 14-24. Dominant line of business to be identified on business registration.
- Sec. 14-25. Each location considered a separate business.
- Sec. 14-26. Professionals.
- Sec. 14-27. Practitioners exclusively practicing for a government.
- Sec. 14-28. Purpose and scope of tax.
- Sec. 14-29. When tax due and payable; failure to pay.
- Sec. 14-30. Exemption for nonprofit organizations.
- Sec. 14-31. State registration requirements.
- Sec. 14-32. Evidence of qualification required if applicable.
- Sec. 14-33. Registration required; liability of officers and agents; failure to obtain.
- Sec. 14-34. When registration and tax due and payable; penalty for failure to obtain registration.
- Sec. 14-35. Penalty.
- Sec. 14-36. Businesses not covered by article.
- Sec. 14-37. Payment of occupation tax by newly established businesses.
- Sec. 14-38. More than one place or line of business.
- Sec. 14-39. Businesses and practitioners required to provide certain information.
- Sec. 14-40. Amendment, repeal of provision.
- Sec. 14-41. Enforcement of provisions.
- Sec. 14-42. Provisions to remain in full force and effect until amended.
- Sec. 14-43. Public hearing required when revenues derived from occupation tax increase.
- Sec. 14-44. Option to establish exemption or reduction in occupation tax.
- Sec. 14-45. Conflicts between specific and general provisions.
- Secs. 14-46—14-63. Reserved.

#### Article III. Insurance Company License Tax

- Sec. 14-64. Insurers license fees.
- Sec. 14-65. License fees for insurers insuring certain risks at additional business locations.
- Sec. 14-66. Gross premiums tax imposed on life insurers.
- Sec. 14-67. Gross premiums tax, all other insurers.
- Sec. 14-68. Due date for license fees.
- Secs. 14-69—14-94. Reserved.

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\*State law reference—Georgia Public Revenue Code, O.C.G.A. § 48-1-1 et seq.

UNIFIED GOVERNMENT CODE

**Article IV. Mobile Home Ad Valorem Tax**

- Sec. 14-95. Penalty.
- Sec. 14-96. Reports by mobile home park operators.
- Secs. 14-97—14-122. Reserved.

**Article V. Adult Establishments**

- Sec. 14-123. Penalty.
- Sec. 14-124. Findings; public purpose.
- Sec. 14-125. Prohibitions.
- Secs. 14-126—14-150. Reserved.

**Article VI. Hotel-Motel Excise Tax**

- Sec. 14-151. [Excise tax levied.]
- Sec. 14-152. [Monthly report; penalty.]
- Sec. 14-153. [Monthly payment; penalty.]
- Sec. 14-154. [Certified records required.]
- Sec. 14-155. [Expenditure of proceeds.]
- Sec. 14-156. [Exceptions.]
- Secs. 14-157—14-175. Reserved.

**Article VII. 9-1-1 Charge on Prepaid Wireless Service**

- Sec. 14-176. 9-1-1 charge on prepaid wireless transactions.
- Sec. 14-177. Collection of 9-1-1 charge on prepaid wireless transactions.
- Sec. 14-178. Administrative provisions.
- Sec. 14-179. Depositing of funds; use of funds.
- Secs. 14-180—14-199. Reserved.

**Article VIII. Peddlers and Transient Merchants**

- Sec. 14-200. Definitions.
- Sec. 14-201. License or permit—Required.
- Sec. 14-202. Same—Application.
- Sec. 14-203. Same—County manager approval required.
- Sec. 14-204. Same—Basis for disapproval or revocation.
- Sec. 14-205. License and permit fees; expiration.
- Sec. 14-206. Issuance of license or permit.
- Sec. 14-207. Registered agent of transient merchant or peddler.
- Sec. 14-208. Compliance; penalty for violation.
- Secs. 14-209—14-230. Reserved.

**ARTICLE I. IN GENERAL**

**Secs. 14-1—14-18. Reserved.**

**ARTICLE II. BUSINESS LICENSES\***

**Sec. 14-19. 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:

*Administrative fee* means a component of an occupation tax which approximates the reasonable cost of handling and processing the occupation tax.

*Dominant line* means the type of business, within a multiple-line business, that the greatest amount of income is derived from.

*Location or office* means and includes any structure or vehicle where a business or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or lessor unless the real property's owner, lessor, or the agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

\*State law reference—Local business licenses, O.C.G.A. § 48-13-5 et seq.

*Occupation tax* means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession, or business for revenue raising purposes.

*Person* shall be held to include sole proprietors, corporations, partnerships, nonprofits, or any other form of business organization, but specifically excludes all nonprofit organizations.

*Practitioner of profession or occupation* means one who by state law requires state licensure regulating such profession or occupation. The term "practitioners of professions or occupations" shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

*Regulatory fees* mean payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the county. A regulatory fee may not include an administrative fee. Development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development are not regulatory fees.

(U.G. Ord. No. 2004-3, § 1, 2-3-2004)

State law reference—Similar provisions, O.C.G.A. § 48-13-5.

**Sec. 14-20. Occupation tax requirements.**

For the year 2004 and succeeding years thereafter, each person engaged in any business, trade, profession or occupation in the area of the UGOCCC, whether with a location in the county or in the case of an out-of-state business with no location in Georgia exerting substantial efforts within the state, pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax for said business, trade, profession, or occupation. The tax and any applicable registration shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in the UGOCCC. If the taxpayer has no permanent business location in the UGOCCC such business tax registration shall be shown to the clerk of the

commission of the unified government or to any sheriff or deputy of the unified government, upon request.

(U.G. Ord. No. 2004-3, § 2, 2-3-2004)

**State law reference**—Levy of tax authorized, O.C.G.A. §§ 48-13-6, 48-13-7.

**Sec. 14-21. Administrative fee.**

A nonprorated, nonrefundable administrative fee of \$50.00 shall be required on all business and occupation tax accounts for the initial start-up, renewal or reopening of those accounts.

(U.G. Ord. No. 2004-3, § 3, 2-3-2004)

**State law reference**—Administrative fee authorized, O.C.G.A. § 48-13-10(e).

**Sec. 14-22. Occupation tax levied; structure; restrictions.**

(a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices in the area of the UGOCCC and/or upon the applicable out-of-state businesses with no location or office in the state pursuant to O.C.G.A. § 48-13-7 based upon the following criteria: a flat fee applied uniformly to all businesses and practitioners of professions and occupations. The amount of such fee which shall be applied uniformly to each business, trade, profession or occupation shall be \$150.00 for the calendar year commencing January 1, 2004, and for each calendar year thereafter, except as same may be changed or amended by the commission.

(b) No business or practitioner shall be required to pay more than one occupation tax for each of its locations.

- (1) No occupation tax shall be required from those real estate brokers, real estate agents, or real estate companies whose offices are located outside the jurisdiction and who sell property inside the jurisdiction.
- (2) Out of state businesses with no location in the state shall be assessed occupation taxes based on the flat rate if they are engaged in substantial efforts in the UGOCCC.

(3) An occupation tax shall not be levied in any other manner, except as described in this section.

(U.G. Ord. No. 2004-3, § 4, 2-3-2004)

**State law reference**—Basis of tax, O.C.G.A. § 48-13-10.

**Sec. 14-23. Tax to be paid by out-of-state businesses and practitioners; exemption for tax paid in other states.**

(a) Registration and assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state if the businesses' largest dollar volume of business in the state is in the UGOCCC, and the business or practitioner:

- (1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the UGOCCC for the purpose of soliciting business or serving customers or clients; or
- (2) Owns personal or real property which generates income and which is located within the jurisdiction of the UGOCCC.

(b) Any business or practitioner of a profession with no location or office in the state shall be exempt from assessment of an occupation tax under this article, if such business or practitioner submits proof of payment of a local business or occupation tax in another state on the businesses or practitioner's sales or services in the state.

(U.G. Ord. No. 2004-3, § 5, 2-3-2004)

**State law reference**—Levy on tax on out of state businesses, O.C.G.A. § 48-13-7.

**Sec. 14-24. Dominant line of business to be identified on business registration.**

The business registration of each business operated in the UGOCCC shall identify the dominant line or lines of business that the business conducts.

(U.G. Ord. No. 2004-3, § 6, 2-3-2004)



**Sec. 14-25. Each location considered a separate business.**

Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of occupation tax.  
(U.G. Ord. No. 2004-3, § 7, 2-3-2004)

**Sec. 14-26. Professionals.**

Practitioners of professions as described in O.C.G.A. § 48-13-9(c)(1)—(c)(18) shall pay as their entire occupation tax the following: A flat fee of \$100.00 per practitioner, as set forth in section 14-22, who is licensed to provide the service, such tax to be paid at the practitioner's office or location. The per-practitioner fee applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework.

(U.G. Ord. No. 2004-3, § 8, 2-3-2004)

**State law reference**—Tax on certain professionals, O.C.G.A. § 48-13-10(g).

**Sec. 14-27. Practitioners exclusively practicing for a government.**

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, or a municipality or county of the state shall not be required to obtain a license or pay an occupation tax for that practice.

(U.G. Ord. No. 2004-3, § 9, 2-3-2004)

**Sec. 14-28. Purpose and scope of tax.**

The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade, or calling. The occupation tax only applies to those businesses and occupations which are covered by the provisions of O.C.G.A. §§ 48-13-5—48-13-28. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.

(U.G. Ord. No. 2004-3, § 10, 2-3-2004)

**Sec. 14-29. When tax due and payable; failure to pay.**

(a) Each such occupation tax shall be for the calendar year 2004 and succeeding calendar years thereafter, unless otherwise specifically provided. Said registration and occupation tax shall be payable January 1 of each year and shall, if not paid by March 1 of each year, be subject to penalties for delinquency as prescribed in this article, except for the calendar year 2004 only the tax shall not be delinquent until April 1. On any new profession, trade, or calling begun in the unified government in 2004 or succeeding years thereafter, the registration and tax shall be delinquent if not obtained immediately upon beginning business. If not a flat fee penalty of \$10.00 shall be imposed. The tax registration herein provided for shall be issued by the commission and if any person whose duty it is to obtain a registration shall, after said registration or occupation tax becomes delinquent, transacts or offers to transact, in the UGOCCC, any of the kind of profession trade, or calling subject to this article without having first obtained said registration, such offender shall, upon conviction by the county judge or magistrate, be punished by a fine not to exceed \$500.00 in the discretion of the court.

(b) In addition to the remedies set forth in subsection (a) of this section, the sheriff may proceed to collect in the same manner as provided by law for tax executions.

(U.G. Ord. No. 2004-3, §§ 11, 19, 2-3-2004)

**State law reference**—Due date, O.C.G.A. § 48-12-20 et seq.

**Sec. 14-30. Exemption for nonprofit organizations.**

Any business, which is a nonprofit organization, shall be exempt from the levy of occupation tax under this article.

(U.G. Ord. No. 2004-3, § 12, 2-3-2004)

**Sec. 14-31. State registration requirements.**

(a) Each person who is licensed by the secretary of state pursuant to O.C.G.A. title 43 (O.C.G.A. § 43-1-1 et seq.) shall provide evidence of proper and current state licensure before the county registration may be issued.

(b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.

(U.G. Ord. No. 2004-3, § 13, 2-3-2004)

**Sec. 14-32. Evidence of qualification required if applicable.**

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency, or any other regulatory matter shall first, before the issuance of a business registration, show evidence that such requirements have been met.

(U.G. Ord. No. 2004-3, § 14, 2-3-2004)

**Sec. 14-33. Registration required; liability of officers and agents; failure to obtain.**

All persons subject to the occupation tax levy pursuant to this article shall be required to obtain the necessary registration for said business as described in this article, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a registration. Every person commencing business in the UGOCCC after January 1 of each year shall likewise obtain the registration herein provided for before commencing the same; and any person transacting, or offering to transact in the UGOCCC, any of the kinds of business, trade, profession, or occupation without first having so obtained said registration, shall be subject to penalties provided thereof.

(U.G. Ord. No. 2004-3, § 15, 2-3-2004)

**Sec. 14-34. When registration and tax due and payable; penalty for failure to obtain registration.**

(a) Each such registration shall be for the calendar year in which the registration was obtained unless otherwise specifically provided. There is hereby imposed a penalty upon each business, which fails to apply for and obtain an appropriate business registration and pay all tax and fees as provided herein before March 1 of each year, and

on March 1 of each year hereafter except for the calendar year 2004 only the tax shall not be due until April 1. Every person commencing business in the UGOCCC after January 1 of each year shall obtain the registration required before commencing such business. Any person transacting or offering to transact in the UGOCCC any business, trade, profession or occupation without first having obtained said registration shall be subject to the penalties provided in section 14-29. Said penalties shall be in addition to all other penalties, civil and criminal herein provided; and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied.

(b) The registration herein provided for shall be issued by the commission, and if any person whose duty it is to obtain a registration shall, after said occupation tax becomes delinquent, transact or offer to transact, in the UGOCCC, any of the kind of business, trade, profession or occupation without having first obtained said registration, such offender shall be subject to the penalties provided thereof.

(U.G. Ord. No. 2004-3, § 16, 2-3-2004)

**Sec. 14-35. Penalty.**

Any person violating any provision of this article shall, upon conviction before the county judge or magistrate, be fined in any amount not exceeding \$500.00 in the discretion of the county judge or magistrate.

(U.G. Ord. No. 2004-3, § 17, 2-3-2004)

**Sec. 14-36. Businesses not covered by article.**

The following businesses are not covered by the provisions of this article but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the state or by local law:

- (1) Those businesses regulated by the state public service commission.
- (2) Those electrical service businesses organized under O.C.G.A. § 46-3-1 et seq.

- (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
  - (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.
  - (5) Insurance companies governed by O.C.G.A. § 33-8-8 et seq.
  - (6) Motor common carriers governed by O.C.G.A. § 46-7-15.
  - (7) Those businesses governed by O.C.G.A. § 48-5-355. Businesses that purchase carload lots of guano, meats, meal, flour, bran, cottonseed, or cottonseed meal and hulls.
  - (8) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.
  - (9) Depository financial institutions governed by O.C.G.A. § 48-6-93.
  - (10) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.
- (U.G. Ord. No. 2004-3, § 18, 2-3-2004)

**Sec. 14-37. Payment of occupation tax by newly established businesses.**

In the case of a business subject to occupation tax that commences business in the county for the first time prior to July 1 then in that event the full year's tax shall be due and owing. In the event a new business commences on or after July 1, then and in that event, 50 percent of the tax shall be due and owing and payable upon commencement of business.

(U.G. Ord. No. 2004-3, § 20, 2-3-2004)

**Sec. 14-38. More than one place or line of business.**

Where a business is operated at more than one place or where the business includes more than one line, said business will pay an occupation tax in accordance with the prevailing taxing method and tax rate for the dominant line at each location.

(U.G. Ord. No. 2004-3, § 21, 2-3-2004)

**Sec. 14-39. Businesses and practitioners required to provide certain information.**

All businesses and practitioners doing business within the UGOCCC shall provide to the commission of the unified government:

- (1) The address of any location or office maintained by such business or practitioner within the county;
- (2) A description of the business or types of businesses conducted or occupation or profession performed at such location; and
- (3) The payment of any business or occupation tax or regulatory fee to any other local government.

(U.G. Ord. No. 2004-3, § 22, 2-3-2004)

**Sec. 14-40. Amendment, repeal of provision.**

This article shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the commission to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the jurisdiction of additional occupation taxes upon the same person, property, or business.

(U.G. Ord. No. 2004-3, § 23, 2-3-2004)

**Sec. 14-41. Enforcement of provisions.**

It is hereby made the duty of the commission's designated revenue collection officer and the sheriff's department to see that the provisions of this article relating to occupation taxes are observed; and to summon all violators of the same to appear before the court. It is hereby made the further duty of the revenue collection officer, sheriff, members of the sheriff's department, and their assistants to inspect all registrations issued by the unified government, as often as in their judgment it may seem necessary to

determine whether the registration held is the proper one for the business sought to be transacted thereunder.

(U.G. Ord. No. 2004-3, § 25, 2-3-2004)

**Sec. 14-42. Provisions to remain in full force and effect until amended.**

This article shall remain in full force and effect until changed by amendment adopted by the commission. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

(U.G. Ord. No. 2004-3, § 26, 2-3-2004)

**Sec. 14-43. Public hearing required when revenues derived from occupation tax increase.**

The commission shall conduct at least one public hearing to determine how to use the additional revenue derived from occupation taxes in any year when revenue from occupation taxes is greater than revenue derived from such taxes for the preceding year.

(U.G. Ord. No. 2004-3, § 27, 2-3-2004)

**Sec. 14-44. Option to establish exemption or reduction in occupation tax.**

The commission may, by subsequent ordinance or resolution, provide for an exemption or reduction in occupation tax to one or more type of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting, encouraging or maintaining selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious, and the reasons shall be set forth in the minutes of the commission.

(U.G. Ord. No. 2004-3, § 28, 2-3-2004)

**Sec. 14-45. Conflicts between specific and general provisions.**

Where there is an apparent conflict in this article between specific and general provisions, it is the intention hereof that the specific shall control.

(U.G. Ord. No. 2004-3, § 29, 2-3-2004)

**Secs. 14-46—14-63. Reserved.**

**ARTICLE III. INSURANCE COMPANY LICENSE TAX\***

**Sec. 14-64. Insurers license fees.**

There is hereby levied for the year 2022 and for each year thereafter an annual license fee upon each insurer doing business within the Unified Government of Cusseta-Chattahoochee County, Georgia in the amount of \$50.00. For each separate business location in excess of one not covered by section 14-65, which is operating on behalf of such insurers within the Unified Government of Cusseta-Chattahoochee County, Georgia, there is hereby levied a license fee in the amount of \$50.00. For the purpose of this article, 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.

(U.G. Ord. No. 2021-4, § 1, 12-28-2021)

**Sec. 14-65. 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 licensed agent of an insurer for insurance said insurer shall pay an additional license fee of \$17.50 per location for the year 2022 and for each year thereafter.

(U.G. Ord. No. 2021-4, § 2, 12-28-2021)

**Sec. 14-66. Gross premiums tax imposed on life insurers.**

There is hereby levied for the year 2022 and for each year thereafter an annual tax based

\***Editor's note**—Ord. No. U.G. 2021-4, §§ 1—5, adopted Dec. 28, 2021, effective 1-1-2022, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 14-64—14-64, pertained to similar subject matter, and derived from U.G. Ord. No. 2004-6, §§ 1—5, adopted August 3, 2004.

**State law reference**—Local insurance taxes, O.C.G.A. 33-8-8 et seq.

solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent of the gross direct premiums received during the proceeding calendar year in accordance with O.C.G.A. § 33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section 14-64 of this article.  
(U.G. Ord. No. 2021-4, § 3, 12-28-2021)

**Sec. 14-67. Gross premiums tax, all other insurers.**

There is hereby levied for the year 2022 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 14-64 of O.C.G.A. § 33-3-5, doing business within the State of Georgia in an amount equal to two and one-half percent of the gross direct premiums received during the proceeding calendar year in accordance with O.C.G.A. § 33-8-8-2. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section 14-64 of this article.  
(U.G. Ord. No. 2021-4, § 4, 12-28-2021)

**Sec. 14-68. Due date for license fees.**

License fees imposed in sections 14-64 and 14-65 shall be due and payable on the first day of 2022 and on the first date of each subsequent year.  
(U.G. Ord. No. 2021-4, § 5, 12-28-2021)

**Secs. 14-69—14-94. Reserved.**

**ARTICLE IV. MOBILE HOME AD VALOREM TAX\***

**Sec. 14-95. Penalty.**

Except as otherwise provided, violations of this article shall be punished as provided in section 1-8.

\*State law reference—Ad valorem taxation of mobile homes, O.C.G.A. § 48-5-490 et seq.

**Sec. 14-96. Reports by mobile home park operators.**

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

*Mobile home park* means a parcel of land that has been improved to allow the placement of more than two mobile homes for the purpose of providing living accommodations. Mobile homes may be owned by the park owner or mobile home space tenants.

(b) Every owner and operator of a mobile home park is required to give the tax commissioner an inventory of all mobile homes based in the park as of October 1 of each year. The tax commissioner will make available an inventory of records as of October 1.

(c) Every owner, manager and operator of a mobile home park is required to report to the tax commissioner any mobile home removal from the park prior to said home being removed, if known to the park manager, operator or owner.

(d) Every owner, manager and operator of a mobile home park shall furnish to the tax commissioner an updated lot map of each park, and any changes shall be reported by January 1 of each year.

(e) Every owner, manager and operator of a mobile home park is required to notify the tax commissioner of any change in ownership or name of any mobile home park within 30 days of such change.  
(County Ord. No. 1999-2, § 2, 10-5-1999)

**Secs. 14-97—14-122. Reserved.**

**ARTICLE V. ADULT ESTABLISHMENTS**

**Sec. 14-123. Penalty.**

Except as otherwise provided, violations of this article shall be punished as provided in section 1-8.

**Sec. 14-124. Findings; public purpose.**

Based on the experience of other counties and municipalities, including, but not limited to, Columbia County, Georgia; Houston County, Georgia, Bryan County, Georgia and Hinesville, Georgia, which experiences the commission believes are relevant to the problems faced by Cusseta-Chattahoochee County, Georgia, the commission takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among comparable communities within our country. Moreover, it is the finding of the commission that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars"; or establishments offering so-called "nude entertainment" or "adult entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this article is hereby adopted.

(U.G. Ord. No. 2005-1, § 1, 4-5-2005)

**Sec. 14-125. Prohibitions.**

The following types of entertainment, attire and conduct are prohibited upon any premises

licensed to sell, serve, or dispense alcohol beverages for consumption on such premises within the area of the UGOCCC.

- (1) The employment or use of any person, in any capacity, in the sale or service of alcohol beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola or of any portion of the male or female public hair, anus, cleft of the buttocks, vulva and genitals.
- (2) Live entertainment where any person appears in the manner described in subsection (1) of this section of where such persons perform acts of or acts which stimulate any of the following:
  - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.
  - b. The caressing or fondling of the breasts, buttocks, anus or genitals.
  - c. The displaying of the male or female pubic hair, anus, vulva or genitals.
  - d. The holding, promotion, sponsoring or allowance of any contest, promotion, special night event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in subsections (1) and (2) of this section; provided, however, that nothing contained in this section shall apply to the premises of any mainstream performance house, museum or theater which derives less than 20 percent of its gross annual income from the sale of alcohol beverages.

(U.G. Ord. No. 2005-1, § 2, 4-5-2005)

**Secs. 14-126—14-150. Reserved.**

## **ARTICLE VI. HOTEL-MOTEL EXCISE TAX\***

### **Sec. 14-151. [Excise tax levied.]**

There is hereby levied, pursuant to the provisions of O.C.G.A. § 48-13-51(b)(3), for and during the current fiscal year and subsequent years, an excise tax in the amount of eight percent of the charges for the furnishing for value to the public of any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by or required to pay business or occupation taxes to the Unified Government of Cusseta-Chattahoochee County, Georgia, for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly or periodically furnished for value; and upon each person who is a guest, as provided in O.C.G.A. § 48-13-51(b)(3). (U.G. Ord. No. 2009-3, § 1, 5-5-2009; U.G. Ord. No. 2020-4, § 1, 9-1-2020)

### **Sec. 14-152. [Monthly report; penalty.]**

Each person or entity subject to the tax herein levied shall make a report to the board of commission or its agent appointed for that purpose on or before the tenth day of each month of the room occupancy and taxable charges for the previous month, following procedures established by the board of commission and the tax herein levied shall be due and payable monthly no later than the tenth day of the month following the month for which the tax is collected.

Should any person or entity subject to the tax fail to file the monthly report by the time required, the county may make a determination of the amount of tax due for the month for which the report was due, and in addition to interest and late payment penalty there is hereby assessed against the defaulting party and additional penalty for failing to file the report in the amount of 50 percent of the tax found to be due.

**\*Editor's note**—U.G. Ord. No. 2009-3, §§ 1—6, adopted May 5, 2009, added provisions that were not specifically amendatory. At the editor's discretion, these provisions have been included as §§ 14-151—14-156.

**Cross reference**—Short-term rentals, § 29-1 et seq.

The county may make its determination of the amount of tax due from any information available to it, and its determination shall not be subject to challenge and shall be final and binding.

(U.G. Ord. No. 2009-3, § 2, 5-5-2009; U.G. Ord. No. 2020-4, § 2, 9-1-2020)

### **Sec. 14-153. [Monthly payment; penalty.]**

Each monthly payment of the tax herein levied is due and payable on the tenth day of the month following the month for which the tax is levied. Pursuant to O.C.G.A. § 48-13-21, taxes which remain unpaid after the due date shall bear interest at the rate of 1.5 percent per month from that date. In addition thereto, there is hereby assessed on all taxes which remain unpaid for 90 days after the due date a penalty of ten percent of the taxes due.

Upon any monthly payment of the tax remaining unpaid for 90 days, the officer of the county charged with the collection of the tax shall issue an execution against the delinquent tax payer and the tax payer's property for the amount of the tax, interest, and penalty, which execution shall be enforced as are executions for state and county ad valorem taxes.

In addition to all other interest and penalties, the Magistrate Court of the Unified Government of Cusseta-Chattahoochee County is authorized upon request by the county to assess a civil fine for failure to pay the tax in an amount of \$500.00, payment of which shall be enforced by the contempt power of the court, as provided by O.C.G.A. § 48-13-26.

(U.G. Ord. No. 2009-3, § 3, 5-5-2009; U.G. Ord. No. 2020-4, § 3, 9-1-2020)

### **Sec. 14-154. [Certified records required.]**

Each person or entity subject to the tax herein levied shall keep sufficient and accurate records of room occupancy and all such taxable charges, using an accounting method and system approved by the certified public accountant, and no later than 30 days following the end of each calendar year shall submit to the board of commission an accounting statement, certified as complete and accurate by a certified public accountant, show-

ing room occupancy and receipts for each month during the calendar year. The county shall have the right to audit the records of each entity subject to the tax herein levied, including the room occupancy records. If the annual certified accounting report is not submitted at the end of the calendar year as herein required, the defaulting party shall be subject to a penalty equal to 50 percent of the total amount of taxable proceeds shown on its monthly reports for the year. If certified records of account are not kept as herein required, the defaulting party shall be subject to a penalty equal 50 percent of the taxable proceeds as determined by the county from any available information, and the determination of the county as to the amount of such taxable proceeds shall not be subject and shall be final and binding.  
(U.G. Ord. No. 2009-3, § 4, 5-5-2009; U.G. Ord. No. 2020-4, § 4, 9-1-2020)

**Sec. 14-155. [Expenditure of proceeds.]**

(a) In each fiscal year during which the tax is collected pursuant hereto, an amount equal to not less than 50 percent of the total amount of taxes collected that exceeds the amount of taxes that would be collected at the rate of five percent shall be expended for promoting tourism, conventions, and trade shows by the destination marketing organizations designated by the Unified Government of Cusseta-Chattahoochee County.

(b) The remaining amount of taxes collected that exceeds the amount of taxes that would be collected at the rate of five percent which is not otherwise expended under subparagraph (a) of this section shall be expended for tourism product development.  
(U.G. Ord. No. 2009-3, § 5, 5-5-2009; U.G. Ord. No. 2020-4, § 5, 9-1-2020)

**Sec. 14-156. [Exceptions.]**

The tax authorized and levied by this article shall not apply to those charges excepted from the tax by O.C.G.A. § 48-13-51(h), as amended from time to time.  
(U.G. Ord. No. 2009-3, § 6, 5-5-2009; U.G. Ord. No. 2020-4, § 6, 9-1-2020)

**Secs. 14-157—14-175. Reserved.**

**ARTICLE VII. 9-1-1 CHARGE ON PREPAID WIRELESS SERVICE\***

**Sec. 14-176. 9-1-1 charge on prepaid wireless transactions.**

In accordance with O.C.G.A. § 46-5-134.2, there is hereby imposed a prepaid wireless 9-1-1 charge as defined by O.C.G.A. § 46-5-134.2(a)(d) upon every prepaid wireless retain transaction occurring within the jurisdiction of the public service answering point in the amount of \$0.75.  
(U.G. Ord. No. 2011-01, § 1, 7-5-2011)

**Sec. 14-177. Collection of 9-1-1 charge on prepaid wireless transactions.**

Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the commissioner of the department of revenue at the times and in the manner provided by Chapter 8 of Title 48 of the Official Code of Georgia Annotated with respect to the sales and use tax imposed on prepaid wireless calling service.  
(U.G. Ord. No. 2011-01, § 2, 7-5-2011)

**Sec. 14-178. Administrative provisions.**

The clerk of the county is hereby directed to file with the State Revenue Commissioner a certified copy of this article and amendments thereto, in accordance with O.C.G.A. § 46-5-134.2(j)(1), within ten days of enactment of this article.  
(U.G. Ord. No. 2011-01, § 3, 7-5-2011)

**Sec. 14-179. Depositing of funds; use of funds.**

In accordance with O.C.G.A. § 45-5-134.2(j)(5), funds received by this county from charges imposed by this article shall be deposited in the emergency telephone system fund maintained by the county pursuant to O.C.G.A. § 46-5-134 and kept separate from general revenue of the jurisdiction.

\*Editor's note—U.G. Ord. No. 2011-01, §§ 1—4, adopted July 5, 2011, effective Jan. 1, 2012, added provisions that were not specifically amendatory. At the editor's discretion, these provisions have been included as §§ 14-176—14-179.



tion; all such funds shall be used exclusively for the purpose authorized by O.C.G.A. § 46-5-134(f).  
(U.G. Ord. No. 2011-01, § 4, 7-5-2011)

**Secs. 14-180—14-199. Reserved.**

**ARTICLE VIII. PEDDLERS AND  
TRANSIENT MERCHANTS**

**Sec. 14-200. Definitions.**

The following terms shall have the meaning set forth below, unless the use of any such term in context clearly indicates otherwise.

*License:* The right or privilege granted by the city to engage in business as a transient or peddler within the city. Evidence that such right or privilege has been granted shall be in the form of a licensed document issued by the county clerk, which document shall be kept at the merchant's place of business within the city or on the peddler's person or within the peddler's vehicle.

*Local peddler:* A local peddler is any person who is a resident of the city, who has no regular fixed place of business within the city, and who engages in the business of selling or offering to sell goods or services by going from place to place within the city, except a person selling agricultural products and holding a letter from a county agent certifying that the products were produced by that person.

*Person:* Any individual or natural or legal entity (including but not limited to trusts, estates, corporations, and limited liability companies).

*Short-term event peddler:* Any person, whether resident or nonresident of the city, who has no regular fixed place of business within the city, and who engages in the business of selling or offering to sell goods or services from a temporary location within the city for a period not to exceed two contiguous days and not to exceed a total of four days in a calendar year, except a person selling agricultural products and holding a letter from a county agent certifying that the products were produced by that person.

*Street:* As defined by O.C.G.A. § 36-39-1, which includes any street, alley, lane avenue, court, sidewalk, public right-of-way, or any other public place in the city.

*Transient merchant:* Any person, whether resident or nonresident of the city, who has no regular fixed place of business within the city, and who engages in the business of selling or offering to sell goods or services from a temporary fixed place of business located within the city, such temporary place of business to include any room or space in a hotel or motel, boarding house, public or private building, or any other fixed place of business within the city not owned by such person; provided however, that no merchant shall be considered a transient merchant under this article if:

- (1) Such merchant is a bona fide commercial traveler selling goods at wholesale by samples;
- (2) Such merchant has already paid a license to the city for the privilege of conducting a permanent business; or
- (3) Such merchant is a peddler otherwise licensed by the city to sell goods from place to place.

*Transient peddler:* Any person, who is a nonresident of the city, who has no permanent, regular place of business within the city, who engages in the business of selling or offering to sell goods or services by going from place to place within the city, except a person selling agricultural products and holding a letter from a county agent certifying that the products were produced by that person.

(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-201. License or permit—Required.**

Before any person shall engage in any of the pursuits defined in section 14-200, such person shall obtain a permit or license as provided in this article.

(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-202. Same—Application.**

(a) Application for a license or permit shall be made at the office of the county board of commissioners and shall provide such information as is required by this article, and such additional information as made be necessary to define completely the activities to be conducted within the city.

(b) An application containing the following information shall be completed and filed with the county clerk by each applicant for a license to do business within a transient merchant or as a transient peddler:

- (1) Name of the applicant;
- (2) Permanent address and telephone number of the applicant;
- (3) Local address and telephone number of the applicant;
- (4) Applicant's date of birth and age, if an individual;
- (5) If applicant is a partnership or corporation, the name and home address of each partner, principal, or corporate officer;
- (6) Applicant's social security number, or federal employer identification number;
- (7) If applicant is a corporation, the state and date of incorporation;
- (8) If applicant is a partnership or corporation, the name, home address, date of birth, age, and social security number of the principal representative in the city;
- (9) Name and home address of all employees to work in the city;
- (10) Name of business represented by the applicant, if different from applicant;
- (11) Permanent address of the business represented by the applicant;
- (12) Name of agent conducting sale, if any;
- (13) Local address and telephone number of sales agent, if any;
- (14) Type of merchandise or service to be offered for sale;
- (15) Place where business is to be conducted;

- (16) Dates to be in business, and total number of days to be in business;
- (17) Hours during which business will be conducted;
- (18) Manner in which business is to be conducted;
- (19) Georgia sales tax number or authorization;
- (20) Georgia state business license number, if required;
- (21) List of cities where business has been conducted by the applicant within the past 12 months;

(c) The applicant shall sign the license application under oath.  
(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-203. Same—County manager approval required.**

Any application for a transient merchant's license or a transient peddler's license shall be reviewed by the county manager, or his or her designee, to ensure compliance with zoning and safety code requirements of the city. The application shall be approved by the county manager or by the county manager's designated representative before a license may be issued.  
(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-204. Same—Basis for disapproval or revocation.**

No application shall be approved and any license previously issued may be revoked if an investigation determines that:

- (1) Any false statement or untrue or misleading information is contained in or material omissions is left out of the application;
- (2) The applicant, or any principal participant in the business, has been convicted within the past five years of a felony, or any crime involving moral turpitude, whether in connection with operation of the business or not; or

- (3) Such business is operated, or is proposed to be operated, in violation of any law of the United States or the state, or in violation of any ordinance of the city.  
(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-205. License and permit fees; expiration.**

(a) *Transient merchant.* A license fee of \$100.00 per year shall be paid by any transient merchant; provided, however, that in any case where a higher license fee is required by ordinance, the higher fee shall apply; and provided further that any such license shall expire not later than December 31 of the year in which business is conducted.

(b) *Transient peddler.* A license fee of \$100.00 per year shall be paid by any transient peddler; provided, however, that in any case where a license fee is higher than the \$200.00 limit is required by ordinance, the higher fee shall apply; and provided further that any such license shall expire not later than December 31 of the year in which business is conducted.

(c) *Local peddler.* Any local peddler shall be licensed in the same manner and in the same amount as is required of any other local merchant, as provided by ordinance.

(d) *Short-term event peddler.* A license of \$25.00 per event shall be paid by any short-term event peddler; provided, however, that in any case where a higher license fee is required by ordinance, the higher fee shall apply; and provided further that any such license shall expire not later than December 31 of the year in which business is conducted.  
(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-206. Issuance of license or permit.**

After all provisions of this article have been met by an applicant for a transient merchant's license or peddler's license, the county clerk shall be authorized to issue a license or permit.  
(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-207. Registered agent of transient merchant or peddler.**

(a) *Required.* Any transient merchant or peddler or non-resident short-term event peddler shall submit evidence with his or her license application showing that transient merchant has filed with the Clerk of Superior Court of the county the name and permanent address of the transient merchant's or peddler's registered agent. Such registered agent shall be a resident of the county and shall be an agent of such transient merchant or peddler upon whom any process, notice, or demand required by law to be served upon the transient merchant or peddler may be served in the same manner provided by law for the service of a summons or complaint. Such registered agent shall agree in writing to act as such agent and a copy of the agreement shall be filed with the license application. Any such registered agent shall act in the same capacity and have the same duties and responsibilities and be subject to the same actions of the Superior Court, as would any agent registered as required by O.C.G.A. §§ 43-46-5 through 43-46-7.

(b) *Exceptions.* No applicant which is a corporation, and which submits evidence that the corporation is chartered by this state, shall be required to secure a registered agent within the county. No applicant which is a corporation chartered outside the state and which submits evidence that the corporation is currently registered with the Secretary of State of this state shall be required to secure a registered agent within the county.  
(U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Sec. 14-208. Compliance; penalty for violation.**

Any person doing business within the city as a transient merchant, transient peddler, local peddler, solicitor, or in any other manner covered by this article who violates any provision of this article, or any merchant, peddler, or solicitor who makes any false statement in any application for a business license or permit, shall be subject to revocation of any license or permit according to procedures established by ordinance, and shall

be subject to subpoena to Municipal Court under a misdemeanor charge, and punishment thereof. (U.G. Ord. No. 2022-4, § I, 12-6-2022)

**Secs. 14-209—14-230. Reserved.**

Chapter 15

**RESERVED**



## Chapter 16

### NUISANCES\*

#### Article I. In General

Secs. 16-1—16-18. Reserved.

#### Article II. Unsafe Building Abatement

Sec. 16-19. Enactment clause.  
Sec. 16-20. Definitions.  
Sec. 16-21. Duty of owners and interested parties; public officer designated; enforcement.  
Sec. 16-22. Conflict with other laws.  
Secs. 16-23—16-50. Reserved.

#### Article III. Control of Weeds and Maintenance of Property

Sec. 16-51. Definitions.  
Sec. 16-52. Prohibition.  
Sec. 16-53. Notice of violation and penalty for failure to remove.  
Sec. 16-54. Notice to nonresidents; assessment of costs; execution and sale.  
Secs. 16-55—16-80. Reserved.

#### Article IV. Loud and Unnecessary Noises

Sec. 16-81. [Prohibition.]  
Sec. 16-82. [Enumeration of loud, disturbing and unnecessary noises.]  
Sec. 16-83. [Violations.]

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\*State law reference—Nuisances, O.C.G.A. § 48-1-1 et seq.





**ARTICLE I. IN GENERAL**

**Secs. 16-1—16-18. Reserved.**

**ARTICLE II. UNSAFE BUILDING ABATEMENT\***

**Sec. 16-19. Enactment clause.**

(a) Pursuant to the provisions of O.C.G.A. title 41, ch. 2, and of O.C.G.A. §§ 41-2-7 and 41-2-9, the Unified Government of Cusseta-Chattahoochee County board of commission does hereby find that there exists in the unified government dwellings, buildings, and/or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not being in compliance with applicable codes; and/or which have defects increasing the hazards of fire, accidents, or other calamities; and/or which lack adequate ventilation, light, or sanitary facilities; and that other conditions exist which render 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 said unified government; and/or are vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed.

(b) Pursuant to said statutory provisions and for the purpose of promoting the health, safety and general welfare of the present and future inhabitants of the unified government and to provide an orderly and efficient method of determining the status of such buildings and structures and enforcing the repair, close or demolitions of such buildings and structures, the board of commission of the unified government does hereby ordain and enact into law this article. (U.G. Ord. No. 2010-1, § 1, 4-5-2010)

**\*Editor's note**—U.G. Ord. No. 2010-1, §§ 1—4, adopted April 5, 2010, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 16-19—16-25, pertained to general nuisances and abatement provisions, and derived from .

**Cross reference**—Buildings and building regulations, ch. 8.

**Sec. 16-20. Definitions.**

All of the definitions set forth in O.C.G.A. § 41-2-8 and in said unsafe building abatement code as presently set out and as hereafter amended, are hereby incorporated herein and made a part hereof. (U.G. Ord. No. 2010-1, § 2, 4-5-2010)

**Sec. 16-21. Duty of owners and interested parties; public officer designated; enforcement.**

(a) It is the duty of the owner and interested parties of every dwelling, building, structure, or property within the limits of the unified government to construct and maintain their dwellings, buildings, structures, and/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.

(b) The manager of the unified government or her/his designee is the public officer designated and appointed to exercise the powers prescribed by this article, also known herein as "public officer."

(c) If the public officer determines, under existing ordinances or codes that a dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use, or otherwise finds conditions more fully set out in O.C.G.A. § 41-2-10, then the public officer may exercise all of the powers set out in O.C.G.A. § 41-2-11, and in O.C.G.A. § 41-2-12(e), all for the purpose of having such citations issued and action taken for the purpose of having such unfit structures repaired, closed or demolished, with these actions to be taken prior to, in lieu of, or in addition to, the complaint in rem provided for herein. In addition, whenever such action is determined necessary by the public officer, or when a request is filed with the public officer by a public authority or by at least five residents of the unified government 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 public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's 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 public 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. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before the Magistrate Court of the Unified Government of Cusseta-Chattahoochee County, at a date and time certain and at a place within the unified government. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the magistrate 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.

(d) 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:

- (1) If the repair, alteration, or improvement of the said 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
- (2) If the repair, alteration, or improvement of the said 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 article, 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 a 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 state appraiser classification as provided in Chapter 39A of Title 43 of the Official Code of Georgia (O.C.G.A. § 43-39A-1 et seq.), 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 unified government.

(e) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The public 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."

(f) If the public 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 for public advertisement and bid. The public officer and the unified government 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; and the amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, 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.

(g) The lien provided for in subsection (f) of this section 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 the Superior Court of Chattahoochee County and shall relate back to the date of the

filing of the lis pendens notice required under O.C.G.A. § 41-2-12(c) which is hereinafter incorporated herein and made a part hereof. 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 public officer shall forward a copy of the order and a final statement of costs to the county tax commissioner. It shall be the duty of the county tax commissioner 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. title 48, ch. 4; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the governing authority of the unified government. Thirty 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.

(h) The board of commission, through its public officer or its unified government manager, may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county 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.

(i) Service of the complaints and orders provided for herein upon owners and parties in interest shall be in accordance with O.C.G.A. § 41-2-12.

(j) Review of the court order shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.  
(U.G. Ord. No. 2010-1, § 3, 4-5-2010)

**Sec. 16-22. Conflict with other laws.**

Whenever the regulations of this article require or impose more restrictive standards than are required in this article or under any other ordinance, the requirements of this article shall govern. Whenever the provisions of any state or federal statute require more restrictive standards than are required by this article, the provisions of such statute shall govern.

(U.G. Ord. No. 2010-1, § 4, 4-5-2010)

**Secs. 16-23—16-50. Reserved.****ARTICLE III. CONTROL OF WEEDS AND MAINTENANCE OF PROPERTY\*****Sec. 16-51. 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:

*Trash* shall include, in addition to the common definition of trash, any property abandoned and left outside any building or other structure.

*Weeds* shall include, in addition to the common definition of weeds, all woody perennial plant growth and grasses.

(U.G. Ord. No. 2012-3, § 1, 7-3-2012)

**Sec. 16-52. Prohibition.**

It shall be unlawful for the occupant of any occupied lot of land within the jurisdiction of Cusseta-Chattahoochee County, or the owner of any unoccupied lot within said jurisdiction, to permit or maintain on such lot any growth of weeds or grass to a height of over 18 inches or the accumulation of trash. The provisions hereof as to weeds and grass shall not be applicable to the part of any lot of land located more than 100 feet from any building.

(U.G. Ord. No. 2012-3, § 2, 7-3-2012)

**\*Editor's note**—U.G. Ord. No. 2012-3, §§ 1—4, adopted July 3, 2012, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included as §§ 16-51—16-54.

**Sec. 16-53. Notice of violation and penalty for failure to remove.**

When any weeds, grass or trash are being maintained on any lot in violation of the preceding section it shall be the duty of the public services inspector or one of his assistants to notify in writing the occupant of such lot, or the owner thereof, allowing ten days to correct the violation. A written warning allowing three days to correct the violation shall be given for a second violation within a 12-month period. After the second warning during any 12-month period no written notice or warning period will be required. If the violator or his representatives or agent fails to cut and remove the grass, weeds or trash so as to comply with the requirements of the preceding section, such party shall be punished by up to 60 days confinement and/or a fine of up to \$1,000.00.

(U.G. Ord. No. 2012-3, § 3, 7-3-2012)

**Sec. 16-54. Notice to nonresidents; assessment of costs; execution and sale.**

When the owner of unoccupied land violates the provisions hereof relating to the removal of weeds, grass and/or trash, and the owner is a nonresident of Cusseta-Chattahoochee County, and such owner cannot be served with notice or summons so as to subject him to punishment by the magistrate, the director of public services or one of his assistants shall notify such owner by mail, directing that the weeds, grass and/or trash on his/her lot be cut or removed, so as to comply with this article. The first such notice shall allow ten days from the date of mailing such notice to correct the violation; the second notice within a 12-month period shall allow three days from the date of mailing such notice to correct the violation. After this second notice and during a period of 12 months, no written notice or warning period will be required. If the owner fails to comply with the provisions herein, the director of public services shall have the weeds, grass and trash cut and removed, assessing a fee plus a service charge (as recommended annually by the director of public services and approved by the county manager) for the work and charging the amount to the owner, and such amount shall constitute a lien against the lot, as of the date of such work, and if such amount is not paid within 30 days after

completion of the work, the treasurer of the unified government shall issue execution against the particular real estate for which the service was rendered and against the owners thereof, whereupon such real estate shall be levied on, advertised and sold under such execution, as in cases of levy and sale under executions for street improvement assessments due the Unified Government of Cusseta-Chattahoochee County, with same procedure, including defendant's right to defense by affidavit of illegality and the right of the Unified Government of Cusseta-Chattahoochee County to purchase at the sale. (U.G. Ord. No. 2012-3, § 4, 7-3-2012)

**Secs. 16-55—16-80. Reserved.**

**ARTICLE IV. LOUD AND UNNECESSARY NOISES\***

**Sec. 16-81. [Prohibition.]**

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within Cusseta-Chattahoochee County. (U.G. Ord. No. 2020-1, § 1, 1-7-2019)

**Sec. 16-82. [Enumeration of loud, disturbing and unnecessary noises.]**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive:

- (1) *Horns signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, or any other vehicle on any street or public place of the county, except as a danger warning;

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\***Editor's note**—U.G. Ord. No. 2020-1, §§ 1—3, adopted January 7, 2019, added provisions that were not specifically amendatory. At the editor's discretion, these provisions have been included as §§ 16-81—16-83.

**Cross reference**—Offenses and miscellaneous provisions, ch. 18.

the creation by means of any such signaling device sound for any unreasonable period of time.

- (2) *Radios, phonographs, etc.* The use, operation or permissive use or operation of any radio receiving set, musical instrument, phonograph, or other machine or device for the purpose of producing or reproducing sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with more volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on public streets particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office or any persons in the vicinity.
- (4) *Animals.* The keeping of any animal that causes frequent or long continued noise that disturbs the comfort or repose of any person in the vicinity.
- (5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationery internal combustion engine or motorboat or any other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) *Defect in vehicle or load.* The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

- (7) *Construction or repairing of building.* The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m., except in cases of urgent necessity in the interest of public health and safety and then only with a permit from a building official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 9:00 p.m. and 7:00 a.m., and if such official shall further determine that no loss or inconvenience would result to any party in interest, such official may grant permissions for such work to be done within the hours of 9:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (8) *Schools, courts, churches.* The creation of any excessive noise on any street adjacent to any school, institution of learning, court or church, while many of the same is in use.
- (9) *Hawkers, peddlers.* The shouting and crying of wares, ringing of bells or use of there noise making device by peddlers, hawkers and vendors which disturbs the peace and quite of the neighborhood.

(U.G. Ord. No. 2020-1, § 2, 1-7-2019)

**Sec. 16-83. [Violations.]**

Violations of this article shall be punished in accordance with section 1-8 of the Code of the United Government of Cusseta-Chattahoochee County.

(U.G. Ord. No. 2020-1, § 3, 1-7-2019)

Chapter 17

**RESERVED**





Chapter 18

**OFFENSES AND MISCELLANEOUS PROVISIONS**

**Article I. In General**

Sec. 18-1. Penalty.  
Secs. 18-2—18-20. Reserved.

**Article II. Offenses Involving Property Rights**

Sec. 18-21. Damaging, injuring, or interfering with utility or public services,  
municipality subdivisions.  
Secs. 18-22—18-45. Reserved.

**Article III. Offenses Involving Public Peace and Order**

Sec. 18-46. Disorderly conduct.  
Secs. 18-47—18-65. Reserved.

**Article IV. Offenses Involving Public Safety**

Sec. 18-66. Discharge of firearms, explosives, etc., within the city.  
Sec. 18-67. Airguns.  
Sec. 18-68. Unauthorized burning.



## ARTICLE I. IN GENERAL

### Sec. 18-1. Penalty.

Except as otherwise provided, violations of this chapter shall be punished as provided in section 1-8.

### Secs. 18-2—18-20. Reserved.

## ARTICLE II. OFFENSES INVOLVING PROPERTY RIGHTS

### Sec. 18-21. Damaging, injuring, or interfering with utility or public services, municipality subdivisions.

It shall be unlawful for any person intentionally and without authority to injure, interfere, or destroy any meter, pipe, conduit, wire, line, post, lamp or other apparatus belonging to a company, municipality, or political subdivision engaged in the manufacture or sale of electricity, gas, water, telephone, or other public services; intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied; in any way to interfere with the proper action of such company, municipality, or political subdivision; intentionally to divert any services of such company, municipality, or political subdivision; or otherwise intentionally and without authority to use or cause to be used, without the consent of the company, municipality, or political subdivision, any service manufactured, sold, or distributed by the company, municipality, or political subdivision.

(City Ord. No. 03-98, § 98-130, 2-9-1998)

**State law reference**—Damaging utility property, O.C.G.A. § 16-7-25.

### Secs. 18-22—18-45. Reserved.

## ARTICLE III. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

### Sec. 18-46. Disorderly conduct.

(a) A person commits the offense of disorderly conduct when such person commits any of the following:

- (1) Acts in a violent or tumultuous manner toward another person whereby such per-

son is placed in reasonable fear for the safety of such person's life, limb, or health;

- (2) Acts in a violent or tumultuous manner toward another person whereby the property of such person is placed in danger of being damaged or destroyed;
- (3) Without provocation, uses to or of another person in such other person's presence, opprobrious or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that is to say, words which as a matter of common knowledge and under ordinary circumstances will, when used to or of another person in such other person's presence, naturally tend to provoke violent resentment, that is, words commonly called "fighting words;" or
- (4) Without provocation, uses obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace.

(b) Any person who commits the offense of disorderly conduct shall be guilty of a misdemeanor.

(City Ord. No. 2-77, § 1, 5-9-1977)

**State law reference**—Similar provisions, O.C.G.A. § 16-11-39.

### Secs. 18-47—18-65. Reserved.

## ARTICLE IV. OFFENSES INVOLVING PUBLIC SAFETY

### Sec. 18-66. Discharge of firearms, explosives, etc., within the city.

It shall be unlawful for any person to shoot or discharge or set off any firearm or any explosive of any nature whatsoever within the city. This article includes the prohibition against the shooting of guns, rifles or pistols of all kinds and also the setting off of all explosives ignited by fire, spark or electricity, or set off by force or in any other manner causing an explosion.

(City Ord. No. 6-71, § 1, 7-12-1971)

**Sec. 18-67. Airguns.**

No person shall shoot or eject from any air rifle or pistol or any other instrument any BB shot or pellet or any other object that may be propelled by released air mechanical means in the city.

(City Ord. No. 3-74, § 1, 4-2-1974)

**Sec. 18-68. Unauthorized burning.**

(a) It is the purpose of this section to promote the public health, safety and general welfare of the citizens of Cusseta-Chattahoochee County, Georgia, in accordance with the Constitution and Laws of the State of Georgia.

(b) The commission finds that unauthorized and unpermitted burning within the territorial boundaries of Cusseta-Chattahoochee County, Georgia, creates a danger to public health and safety, and further creates a financial burden on the county to extinguish and control such fires.

(c) It shall be unlawful to set or otherwise create a fire within Cusseta-Chattahoochee County, which fire covers an area greater than six feet by six feet, unless such fire or burning has been authorized by the Georgia Forestry Commission or such other state or federal authorities authorized by law to issue such a permit.

(d) Violations of this section shall be punished as provided by section 1-8 of the Unified Government Code of Cusseta-Chattahoochee County, Georgia.

(U.G. Ord. No. 2012-1, §§ 1—4, 12-6-2011)

**Editor's note**—U.G. Ord. No. 2012-1, §§ 1—4, adopted Dec. 6, 2011, added provisions that were not specifically amendatory. At the editor's discretion, these provisions have been included as §§ 18-68.

Chapter 19

**RESERVED**



Chapter 20

**PARKS AND RECREATION**

**Article I. In General**

Secs. 20-1—20-18. Reserved.

**Article II. Public Conduct in Parks**

Sec. 20-19.	Penalty.
Sec. 20-20.	Scope.
Sec. 20-21.	Compliance.
Sec. 20-22.	Operating hours.
Sec. 20-23.	Vehicles.
Sec. 20-24.	Wildlife.
Sec. 20-25.	Pet animals.
Sec. 20-26.	Alcoholic beverages and illegal drugs.
Sec. 20-27.	Glass containers.
Sec. 20-28.	Noise.
Sec. 20-29.	Weapons.





## ARTICLE I. IN GENERAL

### Secs. 20-1—20-18. Reserved.

## ARTICLE II. PUBLIC CONDUCT IN PARKS

### Sec. 20-19. Penalty.

Except as otherwise provided, violations of this article shall be punished as provided in section 1-8.

### Sec. 20-20. Scope.

The provisions of this article apply to all parks and recreational facilities under the jurisdiction of the unified government.

### Sec. 20-21. Compliance.

It shall be unlawful for any person to use any of the public parks of the unified government, contrary to this article. When special areas have been set aside in the various parks and public places for specified activities, the activities designated shall be confined to those areas.  
(City Ord. No. 1-00, § B(2), 1-4-2000; County Ord. No. 2000-1, § a, 12-5-2000)

### Sec. 20-22. Operating hours.

It shall be unlawful to enter or remain in any public park or playground between the hours of 9:00 p.m. and 7:00 a.m., except for those activities supervised and scheduled by the department of parks and recreation, unless same is for a lawful or authorized purpose.  
(City Ord. No. 1-00, § B(5), 1-4-2000; County Ord. No. 2000-1, § g, 12-5-2000)

### Sec. 20-23. Vehicles.

(a) It shall be unlawful for any person to operate a motor-driven vehicle or motorcycle or bicycle through a park unless there is a road or pathway clearly marked for such use. In particular, vehicular or motor traffic shall be limited to clearly designated roadways unless same is for lawful authorized purposes.

(b) All walking tracks shall be restricted to foot travel, and it shall be unlawful for any person to operate a motor-driven vehicle or motorcycle or bicycle or skateboard on or over any designated walking track, unless same is for a lawful authorized purpose.  
(City Ord. No. 1-00, § B(3), 1-4-2000; County Ord. No. 2000-1, §§ b, c, 12-5-2000)

### Sec. 20-24. Wildlife.

It shall be unlawful for any person to injure, maim, or kill any wildlife located within any of the public parks of the unified government.  
(City Ord. No. 1-00, § B(4), (6), 1-4-2000; County Ord. No. 2000-1, § d, 12-5-2000)

### Sec. 20-25. Pet animals.

Within any of the public parks of the unified government, it shall be unlawful for any person to have pets unless the animal is on a leash or same are to assist persons with disabilities. Persons bringing a pet on subject grounds must clean up after same.  
(County Ord. No. 2000-1, § e, 12-5-2000)

### Sec. 20-26. Alcoholic beverages and illegal drugs.

(a) In any public park, it shall be unlawful for any person to conceal, sell, or use illegal drugs or be under the influence of illegal drugs or alcoholic beverages. It shall be unlawful for any person to conceal or sell, alcoholic beverages or be under the influence of alcoholic beverages.

(b) It shall be unlawful for any person to consume alcoholic beverages or to have in his possession any open container or package of alcoholic beverages in any public park unless authorized by the unified government. A container or package shall be deemed open when the original seal is broken, and any receptacle with an open top or with a straw shall be classified as an open container or package.  
(City Ord. No. 1-00, § B(8a), (8b), 1-4-2000; County Ord. No. 2000-1, § f, 12-5-2000)

**Sec. 20-27. Glass containers.**

In any public park, no person shall possess or have in his possession any container which is made of glass unless authorized by the unified government.

(City Ord. No. 1-00, § B(10), 1-4-2000)

**Sec. 20-28. Noise.**

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

"A" *band level* means the total sound level of all noise as measured with a sound meter using the "A" weighting networks. The unit is the db(A).

*Sound pressure level* means, in decibels, of a sound 20 times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

(b) The maximum permissible sound pressure levels of any continuous source of sound in the city parks shall be 85 db(A).

(c) Sound pressure levels shall be measured at the approximate boundary of the city park at a height of at least four feet above the immediate surrounding surface, on a sound level meter of standard design and operated on the "A" weighting networks.

(d) The unified government must grant written permission for any person to hold an event in the parks at which the maximum sound pressure level of any source of sound will exceed 85 db(A). Said written permission may be given only by the manager.

(e) Any duly authorized construction work that is to be done by the unified government or its designated agents shall be excluded from this section.

(City Ord. No. 1-00, § B(7), 1-4-2000)

**Sec. 20-29. Weapons.**

It shall be unlawful for any person to possess, in any public park maintained and operated by

the unified government, any handgun, machine gun, fireworks, cross bow, airgun, rifle, BB gun, pellet gun, cap gun, martial arts weaponry, machete or any other type of firearm except as otherwise authorized in this regulation. This section does not apply to any duly authorized law enforcement officer.

(City Ord. No. 1-00, § B(9a), (9b), 1-4-2000)

Chapter 21

**RESERVED**



Chapter 22

**ROADS AND BRIDGES**

**Article I. In General**

Secs. 22-1—22-18. Reserved.

**Article II. Timber And Pulpwood Harvesting**

- Sec. 22-19. Scope of article.
- Sec. 22-20. Definitions.
- Sec. 22-21. Commencement of operations.
- Sec. 22-22. Completion of harvesting.
- Sec. 22-23. Repairs.
- Sec. 22-24. Bonding requirement.
- Sec. 22-25. Performance standards.
- Sec. 22-26. Penalties.



## ARTICLE I. IN GENERAL

**Secs. 22-1—22-18. Reserved.**

## ARTICLE II. TIMBER AND PULPWOOD HARVESTING\*

**Sec. 22-19. Scope of article.**

This article shall cover any person, association or business entity that uses a county right-of-way in carrying out its business by loading, transporting or unloading forestry products whether on the road surface or a county right-of-way or crossing the unpaved portion of the right-of-way including ditches or embankments.

(U.G. Ord. No. 2009-1, § 1, 3-3-2009)

**Sec. 22-20. Definitions.**

As used in this article, the term:

*Access site* means any temporary roadway, drive, structure, fill or device, existing or constructed, that is used or employed for the purpose of crossing, travel upon or use of county road right-of-ways.

*County* means Unified Government of Cusseta-Chattahoochee County, Georgia.

*County right-of-way* means for the purpose of this article, the shoulder front slope, ditch, drain and back slope, facility or any appurtenance of any county road as herein defined.

*County road* means any county owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.

*Heavy equipment, machinery and vehicles* shall be defined as any and all devices in, upon or by

\***Editor's note**—U.G. Ord. No. 2009-1, § 9, adopted March 3, 2009, repealed the former Art. II, §§ 22-19—22-26. Sections 1—8 of said ordinance enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from County Ord. No. 2003-1, §§ 1—8, adopted Feb. 4, 2003.

**State law reference**—Local regulation of timber harvesting operations, O.C.G.A. § 12-6-24.

which any person or property may be transported or drawn including but not limited to semi-trailers, trailers, tractors and truck-tractors.

*Loading and unloading* shall be defined by its everyday meaning but also shall include any activity known as harvesting of any forestry product or material.

*Operations* means those activities contemplated by this article to include the loading or transporting of any forestry raw materials or timber, to include pulpwood, wood chips, logs, poles or posts.

*Operator* means any individual, partnership, corporation, association or private organization of any character, and the officer's agents, and employees thereof carrying out the activities contemplated by this article.

(U.G. Ord. No. 2009-1, § 2, 3-3-2009)

**Sec. 22-21. Commencement of operations.**

All persons loading, unloading or transporting forestry materials in excess of three tons per load across a county road or right-of-way must provide in writing to the board of county commission, at least 48 hours prior to commencing operations on county right-of-way, the information requested in the Official Notice of Harvesting Activity form produced by the Georgia Forestry Commission pursuant to O.C.G.A. § 12-6-24.

(U.G. Ord. No. 2009-1, § 3, 3-3-2009)

**Sec. 22-22. Completion of harvesting.**

Operator shall give oral or written notification upon completion of operations to the office of the board of county commission within 48 hours.

(U.G. Ord. No. 2009-1, § 4, 3-3-2009)

**Sec. 22-23. Repairs.**

If it is determined by the designated county official by notice in writing either during or at the conclusion of operations that the county road and access site are not in a proper state or repair, the operator shall have ten days to repair and correct the site and road. If the repairs are not made within the time requested, then repairs shall be completed by the county at operator's expense.

(U.G. Ord. No. 2009-1, § 5, 3-3-2009)

**Sec. 22-24. Bonding requirement.**

The board of commission hereby requires that each operator post a surety bond (executed by a surety corporation authorized to transact business in this state) or irrevocable letter of credit in an amount of \$5,000.00 by company or bank for future operations on county right-of-ways prior to commencement of operations. A copy of said bond shall be provided to the board of commission along with the Notice of Harvesting Activity. Such bond may be posted for a calendar year as provided by O.C.G.A. § 12-6-24(b)(3).

(U.G. Ord. No. 2009-1, § 6, 3-3-2009)

\$500.00 and/or to confinement in jail for a period not to exceed 60 days pursuant to O.C.G.A. § 15-10-60.

(U.G. Ord. No. 2009-1, § 8, 3-3-2009)

**Sec. 22-25. Performance standards.**

(a) *Harvesting or loading materials.* All harvesting or loading shall be conducted at a loading site off the county right-of-ways and behind the established ditch line of county roads.

(b) *Ditches.* Ditches within 50 feet of temporary driveway or right-of-way crossing shall be kept clear of all debris or residue at all times to allow for proper drainage. Culverts shall be installed at temporary entrances, as needed, to facilitate proper drainage flow.

(c) *Warning signs.* Any firm, company or person operating on county right-of-way shall be required to post warning signs at least 500 feet on both sides of the temporary driveway adequately warning oncoming traffic of persons, vehicles, equipment or machinery entering roadway.

(d) *Roadway.* County roads shall be kept serviceable at all times for school buses, emergency vehicles, mail carriers and traffic of the general public.

(U.G. Ord. No. 2009-1, § 7, 3-3-2009)

**Sec. 22-26. Penalties.**

In the event operator fails to provide notice, post bond or make repairs within ten days of the written notification from the appropriate county official, in addition to repairs being made at operator's expense, any such failure shall subject the operator failing to comply with a fine of up to



Chapter 23

**RESERVED**



## Chapter 24

### **SOLID WASTE\***

#### **Article I. In General**

- Sec. 24-1. Solid waste transfer or disposal facilities.  
Secs. 24-2—24-20. Reserved.

#### **Article II. Collection and Disposal**

- Sec. 24-21. Definitions.  
Sec. 24-22. Penalty.  
Sec. 24-23. Uncovered garbage.  
Sec. 24-24. Windblown refuse.  
Sec. 24-25. Deposits on roads.  
Sec. 24-26. Dumping unlawful without consent of owner.  
Sec. 24-27. Disposal.  
Sec. 24-28. Collection.  
Sec. 24-29. Special rate.  
Sec. 24-30. Containers.  
Sec. 24-31. Bills.  
Sec. 24-32. Restricted areas.

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\***State law references**—Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.; Litter Control Law, O.C.G.A. § 16-7-40 et seq.



## ARTICLE I. IN GENERAL

### Sec. 24-1. Solid waste transfer or disposal facilities.

No person shall establish, operate or maintain a solid waste transfer facility or a solid waste disposal facility.

### Secs. 24-2—24-20. Reserved.

## ARTICLE II. COLLECTION AND DISPOSAL

### Sec. 24-21. 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:

*Ashes* mean residue from fires used for cooking and for heating buildings.

*Garbage* means wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

*Refuse* means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles. The term "refuse" shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

(County Ord. of 11-5-1985, § 1)

### Sec. 24-22. Penalty.

Except as otherwise provided, violations of this article are punishable as provided in section 1-8.

### Sec. 24-23. Uncovered garbage.

It shall be unlawful to place or permit to remain any garbage, or other material subject to decay other than leaves or grass, except in a tightly covered container.

(County Ord. of 11-5-1985, § 2)

### Sec. 24-24. Windblown refuse.

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a material that it can be blown away by the wind.

(County Ord. of 11-5-1985, § 3)

### Sec. 24-25. Deposits on roads.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public road; provided that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this article preparatory to having such material collected and disposed of in the manner provided herein.

(County Ord. of 11-5-1985, § 4)

**State law reference**—Littering, O.C.G.A. § 16-7-40 et seq.

### Sec. 24-26. Dumping unlawful without consent of owner.

It shall be unlawful to dump or place any garbage, refuse or ashes on any premises without the consent of the owner of such premises.

(County Ord. of 11-5-1985, § 5)

### Sec. 24-27. Disposal.

It shall be unlawful to dispose of any garbage, refuse or ashes, except in a disposal device properly constructed and operated or in a lawfully established garbage or refuse dump. Such material not so properly disposed of shall be placed in covered containers for collection as hereinafter prescribed.

(County Ord. of 11-5-1985, § 6)

### Sec. 24-28. Collection.

The superintendent of public works or other designated officer shall have charge of the collection of garbage, refuse and ashes. The collection

shall be made from all premises at least once each week, provided that the material is properly stored for collection in a container complying with the provisions of this article. The garbage shall be placed on or adjacent to the public right-of-way, except as modified by section 24-32. The fees for such collection shall be paid monthly, except as modified by section 24-31 and shall be as follows:

Single-family residence	\$15.00 per month
Apartment buildings	\$15.00 per month for each housekeeping unit
Commercial establishments, factories, places of public entertainment and other business places	\$50.00 per month

The fee for commercial establishments, factories, places of public entertainment and other business places shall be such as may be set from time to time by the commission.

The board of commission may, in its discretion, enter into a contract with a private provider for the collection of garbage, refuse and ashes, in lieu of said service being directly provided by the county.

(County Ord. of 11-5-1985, § 7; County Ord. of 2-5-2002; U.G. Res. of 7-3-2007; U.G. Ord. No. 2015-1, 9-1-2015)

**Sec. 24-29. Special rate.**

Whenever the collection of garbage from any establishment or place shall exceed the normal amount for such a place so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the superintendent of public works or other designated officer shall recommend to the commission the establishment of a special rate for such place.

(County Ord. of 11-5-1985, § 8)

**Sec. 24-30. Containers.**

All garbage, refuse and ashes for collection by the unified government shall be placed in containers equipped with a cover and equipped with handles so that they may be lifted and carried by one person. No such container shall have a capacity of less than ten gallons or more than 38

gallons. All stacks of newspaper, feed sacks or similar paper material if not containerized or bagged shall be tied securely in bundles.

(County Ord. of 11-5-1985, § 9)

**Sec. 24-31. Bills.**

The refuse fees shall be included with the unified government water bill to each water user monthly, and the unified government water clerk is directed not to accept payment of the water bill unless such payment is in the total amount billed, which shall include the appropriate refuse fee as herein provided. Owners or occupants of premises which do not use county water shall be billed quarterly by separate billings for the appropriate refuse fee for their premises. All accounts are subject to a penalty of ten percent if not paid on or before the tenth day of the month following the billing.

(County Ord. of 11-5-1985, § 10)

**Sec. 24-32. Restricted areas.**

Unified government employees will not go upon private property to collect rubbish or garbage, except areas that are open to the public, such as business parking lots and private alleys. This may be waived where practical to assist the disabled, aged and infirm.

(County Ord. of 11-5-1985, § 11)

Chapter 25

**RESERVED**





Chapter 26

**TRAFFIC AND VEHICLES\***

- Sec. 26-1. Penalty.
- Sec. 26-2. Statute adopted.
- Sec. 26-3. Traffic signs, signals devices and markings ratified.
- Sec. 26-4. Parking across lines.
- Sec. 26-5. Obstructing traffic lane.
- Sec. 26-6. Blocking or parking in fire lane.
- Sec. 26-7. Truck routes.

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\***State law references**—Uniform Rules of the Road, O.C.G.A. § 40-6-1 et seq.; power of local authorities generally, O.C.G.A. § 40-6-371.



**Sec. 26-1. Penalty.**

Except as otherwise provided, violations of this chapter shall be punished as provided in section 1-8.

**Sec. 26-2. Statute adopted.**

Pursuant to the authority of O.C.G.A. §§ 40-6-372—40-6-374, all of O.C.G.A. title 40, ch. 6 (O.C.G.A. § 40-6-1 et seq.), known as the Uniform Rules of the Road, and O.C.G.A. § 40-1-1 are hereby adopted by reference. (City Ord. No. 6-74, § 1, 10-21-1974)

**Sec. 26-3. Traffic signs, signals devices and markings ratified.**

All traffic control signs, signals, devices and markings in place on the adoption date of this Code are ratified and confirmed.

**Sec. 26-4. Parking across lines.**

It shall be unlawful for any vehicle to park across any directional line when such directional line indicates that said parking is unauthorized, and when said vehicle is left unattended. (City Ord. No. 02-98, § 98-99.10, 2-9-1998)

**Sec. 26-5. Obstructing traffic lane.**

It shall be unlawful for any motor vehicle to park upon any street in such a manner as to obstruct or hinder the flow of traffic upon any street in the unified government. (City Ord. No. 02-98, § 98-99.11, 2-9-1998)

**Sec. 26-6. Blocking or parking in fire lane.**

It shall be unlawful for any motor vehicle to park, stand, or rank upon any street or upon private property in such a manner as to block or hinder any fire unit or any other emergency vehicle. (City Ord. No. 02-98, § 98-99.13, 2-9-1998)

**Sec. 26-7. Truck routes.**

(a) *Prohibited truck routes.* Through-trucks not making a pickup or delivery or not having other specified business on the roads and rights-of-way hereinafter specified are prohibited from

using the following roads, and any rights-of-way, specified in section (e) herein, within the limits of the unified government.

(b) *Maximum weight limitations.* All motor vehicles in excess of the weight limitations as prescribed by the state department of transportation, which apply to state routes are prohibited from using any road or other right-of-way in the unified government.

(c) *Traffic signs.* The director of public works will cause to be erected official traffic signs designating prohibited routes of truck travel in the unified government at the beginning and end of each truck route, with a sign "No Thru Trucks."

(d) *Vehicles picking up, delivering, etc.* Vehicles which are making pickups or deliveries or which have other specific business such as being en route to repairs or having headquarters not located on that specific road are excepted from this subsection, provided the driver can show proof of said business through documents such as bills of lading.

(e) *Application.* The foregoing prohibitions shall apply to all county roads, which roads shall be designated by a sign as hereinbefore stated, at one terminal and another sign at the opposite terminal end of the road to give adequate warning to drivers of trucks of the prohibitions set forth herein. (City Ord. No. 1-96, §§ A—D, F, 4-10-1996; City Ord. No. 1-96, § F, 4-16-1996; U.G. Ord. No. 2018-2, § 1, 6-5-2018)



Chapter 27

**RESERVED**



## Chapter 28

### UTILITIES

#### Article I. In General

- Sec. 28-1. Fee to fund full time ambulance availability.  
Secs. 28-2—28-18. Reserved.

#### Article II. Water System Capital Cost Recovery

- Sec. 28-19. Fee imposed.  
Sec. 28-20. Additional fees.  
Sec. 28-21. When connection required.  
Sec. 28-22. Payment.  
Sec. 28-23. Fee amount.  
Sec. 28-24. Submission of utility plans.  
Sec. 28-25. Developer responsible for costs.  
Sec. 28-26. Time limit for project.  
Sec. 28-27. Easements required.  
Sec. 28-28. Dedication of easements.  
Sec. 28-29. Separate taps, backflow valves required.  
Sec. 28-30. Payment of associated costs.  
Sec. 28-31. Funds.  
Sec. 28-32. Review and adjustment of costs.





## ARTICLE I. IN GENERAL

### Sec. 28-1. Fee to fund full time ambulance availability.

(a) There shall be imposed a fee of \$10.00 per month upon each water account holder, both residential and commercial, located within the geographic boundaries of Cusseta-Chattahoochee County, Georgia. Said fee shall be added to each water bill on a monthly basis, commencing on and after the effective date set forth below.

(b) Said fee shall be applied solely to fund the availability of ambulance service to Cusseta-Chattahoochee County. Availability means a provider will be on duty in the county at all times, but does not mean immediate service will always be available, as the circumstances of a provider at any particular time cannot be foreseen.

(c) In the event the commission of the unified government should determine that continuation of full time availability of ambulance service is no longer appropriate for whatever reason, then and in that event the fee called for herein shall cease and will no longer be collected.

(d) This section shall take effect on April 1, 2016.

(U.G. Ord. No. 2016-1, §§ I—IV, 3-1-2016)

**Editor's note**—U.G. Ord. No. 2016-1, §§ I—IV, adopted March 1, 2016, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included as § 28-1.

### Secs. 28-2—28-18. Reserved.

## ARTICLE II. WATER SYSTEM CAPITAL COST RECOVERY

### Sec. 28-19. Fee imposed.

There is hereby imposed upon any new applications for subdivisions, commercial outdoor recreation districts, planned unit developments, manufactured housing unit district parks, commercial or industrial developments and building permits for same a capital cost recovery fee/water which shall be subject to the terms of this article.

(U.G. Ord. No. 2008-3, § 1, 9-2-2008)

### Sec. 28-20. Additional fees.

The capital cost recovery fee is imposed, in addition to the connection or tap fee, to recover a proportionate share of the capital cost of water facilities as a condition of water service.

(U.G. Ord. No. 2008-3, § 2, 9-2-2008)

### Sec. 28-21. When connection required.

To the extent provided by law where water is available all the property categories in section 28-19 that are located within 1,000 feet of an available water line, the property owner will be required to connect to the water upon approval by the director of public works and water. The capital cost recovery fee shall be paid prior to connection or at the time of a building permit, whichever first occurs. The property owner will be responsible for all costs of installing and maintaining the service connection from the building to the tap.

(U.G. Ord. No. 2008-3, § 3, 9-2-2008)

### Sec. 28-22. Payment.

A capital cost recovery fee for each newly developed parcel shall be paid by the developer at the time of issuance of the permit to construct the development. In the case of single-family residences or single multifamily residences, commercial outdoor recreation districts, planned unit developments, manufactured housing unit district parks, or commercial, institutional or industrial structures, it will be paid with the application for water service or before issuance of a building permit, whichever occurs first; provided, however, payment of this fee shall not be a condition for any development approval by the unified government and shall solely constitute a condition for access to public water.

(U.G. Ord. No. 2008-3, § 4, 9-2-2008)

### Sec. 28-23. Fee amount.

The capital cost recovery fee shall be \$1,500.00 for each tap.

(U.G. Ord. No. 2008-3, § 5, 9-2-2008)

**Sec. 28-24. Submission of utility plans.**

The developer will submit utility plans to the office of the director of public works and water for review and to ensure compliance with the unified government's regulations and specifications of water installation. Simultaneously with submission to the director, the developer shall submit the plans to EPD for approval, prior to start of construction.

(U.G. Ord. No. 2008-3, § 6, 9-2-2008)

**Sec. 28-25. Developer responsible for costs.**

The developer will be responsible for all costs associated with the construction and extension, including posting of a performance bond prior to start of construction in an amount to be determined by the director of public works and water or as same may be otherwise provided by other rules, regulations, resolutions or ordinances of the unified government. Upon completion and acceptance by the unified government, said performance bond will be reduced to a maintenance bond, in an amount and duration to be determined by the director of public works and water or as same may be otherwise provided by other rules, regulations, resolutions or ordinance of the unified government. The bond will include all associated structures. In lieu of a commercial surety bond, on projects less than \$300,000.00, the developer, with approval from the director of public works and water, may post a commercial letter of credit (Georgia UCC format) from a recognized banking institution located within the state.

(U.G. Ord. No. 2008-3, § 7, 9-2-2008)

**Sec. 28-26. Time limit for project.**

If the project is not commenced within one year, resubmission for approval will be required.

(U.G. Ord. No. 2008-3, § 8, 9-2-2008)

**Sec. 28-27. Easements required.**

As water line extensions could possibly provide future service to contiguous areas, a 20-foot permanent easement will be required on the

water lines to the property limits and/or within the areas whereby water service could be provided to contiguous areas.

(U.G. Ord. No. 2008-3, § 9, 9-2-2008)

**Sec. 28-28. Dedication of easements.**

The water line easements are to be dedicated to the unified government for ownership, operation and maintenance of the water lines and facilities located therein. At the developer's expense, an attorney licensed in the state and recognized as competent in real estate transactions shall prepare a deed of dedication, accompanied by his or her written opinion that the conveyance upon acceptance by the board of commission, vests good marketable title, free from encumbrances, in the unified government.

(U.G. Ord. No. 2008-3, § 10, 9-2-2008)

**Sec. 28-29. Separate taps, backflow valves required.**

Each building shall require a separate tap (a separate service lateral to the extension). Backflow valves are to be installed on every service connection to prevent backflow.

(U.G. Ord. No. 2008-3, § 11, 9-2-2008)

**Sec. 28-30. Payment of associated costs.**

The developer shall pay all costs associated with the extension, including but not limited to tap or connection fees and capital cost recovery fees for each building lot of record. Upon connection being completed and the extension placed into operation, the developer shall be responsible for any monthly based rates imposed for water usage until the building lot has been sold to an end user.

(U.G. Ord. No. 2008-3, § 12, 9-2-2008)

**Sec. 28-31. Funds.**

The funds generated by the capital cost recovery fee/water shall be deposited into a capital cost recovery fee/water interest-bearing account to be maintained by the unified government to offset the anticipated future costs of obtaining water sources and capital water infrastructure improvements and expansion.

(U.G. Ord. No. 2008-3, § 13, 9-2-2008)

**Sec. 28-32. Review and adjustment of costs.**

On at least an annual basis, the unified government, through staff and the board of commission, shall revisit the expense of expansion of the water supply and the infrastructure required and shall consider adjustments necessary to the capital cost recovery fee/water, taking into account the existing demands and costs of expansion of the water infrastructure system.

(U.G. Ord. No. 2008-3, § 14, 9-2-2008)



## Chapter 29

### **SHORT-TERM RENTALS\***

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\***Cross reference**—Hotel-motel excise tax, § 14-151 et seq.



**Sec. 29-1. Short title.**

This chapter shall be known and may be cited as the "Short-Term Rental Ordinance of Cusseta-Chattahoochee County".  
(U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-2. Purpose.**

It is the purpose of this chapter to regulate the use of and establish standards for privately owned residential property used as vacation homes and rented to transient occupants within the unincorporated area of Cusseta-Chattahoochee County, excluding Fort Benning, so as to ensure that accommodation excise taxes owed to Cusseta-Chattahoochee County are properly collected and remitted to Cusseta-Chattahoochee County, to minimize the adverse effects of short-term rental uses on surrounding residential properties and neighborhoods, and to preserve the character, integrity, and stability of residential neighborhoods in which short-term rentals are located. This chapter is not intended to regulate hotels, motels, inns, hospitals, or non-vacation type rental arrangements.  
(U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-3. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words in the plural number include the singular number, and words in the singular include the plural number.

*Accommodation excise tax* means the excise tax (also known as the "lodging tax") imposed and collected by Cusseta-Chattahoochee County pursuant to O.C.G.A §§ 48-13-50 through 48-13-63 and Cusseta-Chattahoochee County Code sections 14-151 through 14-156 for the furnishing for value to the public of any rooms, lodgings, or accommodations in the unincorporated area of Cusseta-Chattahoochee County, excluding Fort Benning.

*Accommodation excise tax certificate* or *certificate* means the document issued by the

community development department to the property owner or the managing agency or managing agent of a short-term rental under this chapter containing an official short-term rental accommodation excise tax number for the purpose of verifying and enforcing compliance with the accommodation excise tax requirements of the Cusseta-Chattahoochee County Code of Ordinances, as well the other provisions of this chapter pertaining to the operation of a short-term rental for transient occupants.

*Advertisement* or *advertising* means the listing or marketing of any real property as a short-term rental through any print, outdoor, digital, broadcast, or other advertising medium, such as magazines, brochures, newsletters, banners, signs, social media platforms, apps on a smartphone, electronic or online marketplaces or booking platforms, marketplace facilitators, websites, internet, computer or other electronic devices, television, or radio.

*Board of commissioners* or *board* means the Cusseta-Chattahoochee County Board of Commissioners.

*Commercial event* means an event or gathering of people, or the marketing or advertising thereof, where a fee is charged in exchange for allowing an event or gathering on the property.

*Community development department* means the Cusseta-Chattahoochee County Community Development Department.

*County* means Cusseta-Chattahoochee County, Georgia.

*Dwelling unit* or *unit* means one or more rooms, designed, occupied, or intended for occupancy as separate, complete living quarters with permanent cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one or more persons.

*Local point of contact* or *point of contact* means a person who is at least 18 years of age and who, using reasonably prudent business practices, is responsible for ensuring that all occupants and/or guests of the short-term rental comply with all applicable laws, rules, and regulations pertaining to the use and occupancy of the

subject short-term rental and for responding to questions or concerns from occupants, guests, and the county regarding the operation of the short-term rental.

*Managing agency* or *managing agent* means a person, firm, agency, or company with a valid county occupation tax certificate that manages one or more short-term rentals under a management agreement on behalf of the owner of the short-term rental.

*Maximum occupancy rate* means no more than two persons per bedroom, plus two additional persons. A bedroom is a room or space within the short-term rental furnished with one or more beds and that is customarily used and intended primarily for sleeping. Children under 12 years of age shall not be included in determining the maximum occupancy of a short-term rental, but in no event shall occupancy exceed 15 persons total, including children, unless a variance from such total is requested and received from the county allowing a proportional increase for dwelling units with six or more bedrooms.

*Owner* or *owners* means a person that holds legal title to private property.

*Party* means one or more persons who, as a single group, rent a short-term rental pursuant to a single reservation and payment.

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

*Property* means a legal lot of record on which any dwelling unit(s) is being operated or offered as a short-term rental.

*Short-term rental* means an accommodation for transient occupants or guests where, in exchange for compensation of any type or amount, a residential dwelling unit, or a portion thereof, is provided for lodging for a period of time not to exceed 30 consecutive days.

Any term used in this chapter that is also used in the Zoning Ordinance of Cusseta-Chatta-

hoochee County shall have the same meaning as defined in the Zoning Ordinance, unless otherwise specifically defined in this section. (U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-4. Accommodation excise tax certificate.**

(a) No dwelling unit, or any portion thereof, shall be used, operated, rented, offered, or advertised as a short-term rental within the unincorporated areas of Cusseta-Chattahoochee County, excluding Fort Benning, unless the owner of the dwelling unit applies for and possesses a valid and current accommodation excise tax certificate issued by Cusseta-Chattahoochee County in accordance with this chapter.

(b) It shall be unlawful and a violation of this chapter for any person or property owner to use, operate, rent, offer, or advertise a short-term rental within the unincorporated areas of Cusseta-Chattahoochee County, excluding Fort Benning, without a valid and current accommodation excise tax certificate issued by Cusseta-Chattahoochee County under this chapter, or to operate a short-term rental contrary to the procedures and regulations established in this chapter, other provisions of this Code, or any applicable state law.

(c) An accommodation excise tax certificate shall only be issued to a person with an ownership interest in the short-term rental or to a managing agency or agent that manages the short-term rental. Renters of real property are not eligible to receive an accommodation excise tax certificate, unless the property owner has provided explicit written permission to the tenant. (U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-5. Short-term rental standards.**

Short-term rentals, as defined in section 29-3, shall be subject to the following general requirements in addition to the zoning district regulations for the zoning district in which the short-term rental is located:

- (1) Short-term rentals shall meet all applicable building, health, fire, and related safety codes at all times. Each short-term rental shall also have:
  - a. Working smoke and carbon monoxide detectors in every bedroom and on all habitable floors;



- b. A properly maintained and charged fire extinguisher in each short-term rental dwelling unit; and
  - c. A solid waste collection (trash) service that removes waste at least once a week. All solid waste (trash) must be contained in secured containers when outside of the residence. Trash and refuse shall not be left or stored on the exterior of the property unless it is placed in a curbside container. The curbside container shall not be placed on the curb awaiting trash service pick up any sooner than 24 hours prior to the pickup day and must be removed no later than 24 hours after trash service pickup.
- (2) No exterior signage shall be permitted except in accordance with the regulations for the district in which the short-term rental is located.
  - (3) Short-term rentals shall not be operated outdoors or in a non-habitable structure.
  - (4) Parking shall be provided in accordance with any existing or future parking ordinances of the county or district in which the short-term rental is located.
  - (5) Only one party of guests shall be permitted per dwelling unit.
- (U.G. Ord. No. 2022-5, 12-6-2022)

#### **Sec. 29-6. Parking.**

- (a) Each short-term rental shall designate the maximum number of cars allowed on-site and, where applicable, instructions for off-site parking for cars exceeding the maximum allowed on-site.
- (b) Parking spaces within the grounds of the short-term rental must be clearly identified for guests use.
- (c) The property owner shall provide guests with parking instructions prior to arrival.

- (d) Exceeding the maximum number of vehicles allowed on-site of a short-term rental is a violation of this chapter.  
(U.G. Ord. No. 2022-5, 12-6-2022)

#### **Sec. 29-7. Operation.**

- (a) Occupancy of a short-term rental between the hours of 11:00 p.m. and 6:00 a.m. shall not exceed the maximum occupancy rate, as defined in section 29-3. No person operating or occupying a short-term rental shall violate or exceed, or allow another to exceed, the maximum occupancy rate.

- (b) A short-term rental shall not be used for hosting any commercial events.

- (c) The accommodation excise tax certificate holder shall keep on file with the county at all times the name, cell phone number, and email address of a valid local point of contact who shall use reasonably prudent business practices to ensure that all occupants and/or guests of the short-term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the short-term rental, as well as for responding to questions or concerns from occupants, guests, and the county regarding the operation of the short-term rental. The local point of contact may, but does not necessarily need to be, the property owner or representative of a managing agency or agent.

- (d) The local point of contact shall be available 24 hours a day to accept telephone calls and respond to complaints regarding the condition, operation, or conduct of a short-term rental, including the behavior and conduct of the occupants and/or guests thereof. When the short-term rental is rented and occupied, the local point of contact must be available to respond to complaints in person at the short-term rental within a reasonable time period, not to exceed two hours after notification of the complaint.

- (e) Failure of the local point of contact to respond to calls or complaints in a timely and appropriate manner shall be a violation of this chapter. However, it is not intended that any

property owner, local point of contact, and/or certificate holder act as a peace officer or place himself or herself in an at-risk situation.

(f) A valid short-term rental accommodation excise tax certificate shall be posted in a conspicuous location inside the main entrance of the short-term rental on or adjacent to the front door. In addition to the accommodation excise tax certificate, a clearly visible and legible notice containing the following information shall be conspicuously posted within the short-term rental on or adjacent to the front door sign:

- (1) The name of the local point of contact and an email address and telephone number at which the local point of contact may be reached on a 24-hour, seven days a week, basis. The notice must be updated within seven days of any change of the local point of contact and/or such person's telephone number;
- (2) The name and address of the nearest hospital;
- (3) The maximum number of overnight occupants (maximum occupancy rate) permitted in the short-term rental and a statement notifying the occupants that failure to conform to the occupancy requirements of the short-term rental is a violation of this chapter;
- (4) The maximum number of vehicles allowed to be parked on the property and a statement notifying the occupants that exceeding the maximum number of vehicles allowed on-site is a violation of this chapter;
- (5) The county's noise ordinance regulations and a statement notifying the occupant(s) that any failure to comply with the county's noise ordinance is a violation of this chapter;
- (6) State and county emergency management website information; and
- (7) Other relevant community restriction(s), if applicable.

(g) All property specific digital, outdoor, or print advertising for any short-term rental, including electronic or digital advertising on short-term rental websites, shall include the accommodation excise tax certificate number, or certificate sub-number if applicable, issued by the county for the short-term rental. It is a violation of this chapter to advertise a short-term rental using an expired accommodation excise tax certificate number or a certificate number that was not assigned to the short-term rental by the county.

(h) Short-term rentals, and the operation thereof, are subject to accommodation excise taxes and are liable for payment thereof as established by state law and the Cusseta-Chattahoochee County Code of Ordinances. The accommodation excise tax certificate holder shall timely remit all applicable accommodation excise taxes owed in connection with the operation of short-term rental(s) as set forth in Cusseta-Chattahoochee County Code sections 14-151 through 14-156.

(i) The accommodation excise tax certificate holder shall maintain records of all short-term rental booking dates, rental income, and taxes collected and remitted to Cusseta-Chattahoochee County for three years and shall provide such records to the county upon request.

(j) The accommodation excise tax certificate holder shall abide by any local, state, or federal rules during a declared disaster event, including, but not limited to evacuation and reentry orders and shall provide guests with the state and county emergency management websites and emergency contact phone numbers.  
(U.G. Ord. No. 2022-5, 12-6-2022)

#### **Sec. 29-8. Application for certificate.**

(a) Any property owner or managing agency desiring to operate a short-term rental must submit an application for an accommodation excise tax certificate to the community development department on a form to be provided by the county. Upon submission of a properly completed application, an applicant meeting the conditions and requirements of this chapter for the operation of a short-term rental shall qualify for and

be issued an accommodation excise tax certificate for such short-term rental. At the time of filing an application for an initial accommodation excise tax certificate, an applicant must:

- (1) Pay and submit to Cusseta-Chattahoochee County a certificate fee of \$150.00 for each short-term rental. If the application is filed prior to July 1 of a particular year, the full \$150.00 fee shall be paid. If the application is filed after July 1, the certificate fee shall be \$75.00;
- (2) Provide the name, address, email, and contact information of the property owner;
- (3) Provide the address and parcel identification number of the property where the short-term rental is located;
- (4) Provide the number of short-term rental dwelling units on the property, provide the number of bedrooms in each dwelling unit short-term rental, and affirm understanding that only one party of guests shall be permitted per dwelling unit;
- (5) State whether the applicant is the property owner or a managing agency or agent operating the short-term rental on behalf of the property owner;
- (6) Specify whether the short-term rental is or will be managed by a managing agency or agent and provide the name, address, email, phone number, and occupation tax number of such managing agency or agent;
- (7) Provide the name, address, email address, and cell phone number for a local point of contact, as such term is defined in section 29-3;
- (8) Provide the number of parking spaces on the grounds of the short-term rental and affirm whether those spaces are clearly identified for occupant and guest use.
- (9) Affirm the applicant's responsibility to collect and timely remit accommodation excise taxes in accordance with sections 14-151 through 14-156;
- (10) Affirm that the operation of a short-term rental on the property is not in violation of any other land use restrictions, including covenants, deed restrictions, homeowner association rules and regulations, or other such restrictions;
- (11) Affirm understanding that Cusseta-Chattahoochee County strongly recommends that the property owner carry property and renter's liability insurance that specifically covers short-term rental use;
- (12) Affirm that the short-term rental has an operable fire extinguisher in every dwelling unit being used as a short-term rental and working smoke and carbon monoxide detectors in every bedroom and on all habitable floors thereof;
- (13) Affirm that the short-term rental has solid waste collection (trash) service that removes solid waste at least once a week;
- (14) Affirm that the short-term rental has no past due accommodation excise taxes, certificate fees, ad valorem taxes, or fines for violations of this chapter; and
- (15) Affirm whether the applicant or short-term rental has had an accommodation excise tax certificate suspended or revoked within the previous 12 months.
  - (b) If the applicant is a managing agency or agent, the managing agency or agent must submit documentation evidencing that it is authorized to submit the application and otherwise manage and act on behalf of the property owner in relation to the operation and use of the short-term rental.
  - (c) An accommodation excise tax certificate shall be required for each dwelling unit being used or operated as a short-term rental. However, should any property owner or managing agency or agent own or manage two or more short-term rentals, a single accommodation excise tax certificate may be issued for multiple properties under common ownership or professional management that otherwise meet the requirements for a certificate under this chapter, provided that the requisite payment, information, and confirma-

tions are provided by the applicant for each dwelling unit being used as a short-term rental. In the event that a single accommodation excise tax certificate is issued for multiple short-term rentals hereunder, each dwelling unit being used as a short-term rental under the certificate shall be assigned separate certificate sub-numbers.

(d) Any fraudulent or material misrepresentation, omission, or false or untruthful statement or information furnished by or made by the applicant in any application (or supporting materials) submitted to the county for a certificate or renewal thereof shall be grounds for denial, suspension, or revocation of an accommodation excise tax certificate, or any renewal thereof.

(e) All requirements, acknowledgements, affirmations, and attestations necessary to obtain an accommodation excise tax certificate must be continuously maintained at all times throughout the duration of the initial accommodation excise tax certificate and any renewal thereof. All material changes in the information or supporting documents or materials provided to the county in any application (or renewal application), including any change in the local point of contact and/or such person's contact information shall be updated and reported in writing to the community development department within three business days of such change.

(f) An accommodation excise certificate is not assignable or transferable. Upon sale of a property or when a managing agency or agent changes, there will be a 30-day grace period to operate as a short-term rental so long as an application for an accommodation excise tax certificate is submitted by the new owner or managing agency or agent within seven days of the sale or management change.

(U.G. Ord. No. 2022-5, 12-6-2022)

### **Sec. 29-9. Certificate expiration/renewal.**

(a) All accommodation excise tax certificates, and any renewals thereof, shall expire on December 31 of each year. Applications for renewal of a certificate for the following calendar year must be filed on or before the second Monday of December of each year in order to allow sufficient time for the community development

department to review and process the application prior to expiration of the certificate on December 31; however, nothing herein shall be construed as precluding the filing of an application for renewal after such date. In such case, the community development department shall use reasonable efforts to review the application upon receipt, but neither the community development department nor the county shall be under any obligation to process the renewal application or issue any renewal certificate prior to December 31. If a certificate is not renewed before it expires on December 31, a renewal application shall be treated as an initial application, and the applicant shall be required to comply with all rules and regulations for the granting of an initial certificate to the same extent as if no previous certificate had been held.

(b) To renew an accommodation excise tax certificate for the ensuing calendar year, certificate holders must submit and file a renewal application with the community development department on a form to be provided by the county. In order to qualify for and be issued a renewed certificate, the applicant, at the time of filing, must:

- (1) Pay and submit to Cusseta-Chattahoochee County an annual renewal fee of \$100.00 for each short-term rental;
- (2) Affirm and update, as needed, all information, documentation, and affirmations, submitted to the county in the application for the initial certificate set forth in section 29-8 above;
- (3) Affirm that all accommodation excise taxes for each short-term rental under the certificate being renewed have been collected and timely remitted to Cusseta-Chattahoochee County; and
- (4) Affirm that the renewal application is not for a short-term rental that has had its Certificate revoked within the last 12 months, except as permitted under section 29-13(d);

(c) A renewed accommodation excise tax certificate shall be valid for one calendar year immediately following its issuance, beginning on January 1 and ending on December 31 of each year.

(d) Fees paid for an accommodation excise tax certificate, or any renewal thereof, are not refundable once a certificate is issued.  
(U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-10. Application review/denials.**

The community development director or his/her designee may deny an application for an accommodation excise tax certificate, or any renewal thereof, if:

- (1) The application is for a property that has had its certificate revoked within the preceding 12 months, except as permitted under section 29-13(d);
- (2) The person applying lacks authority to represent the property owner for which the application is made;
- (3) The applicant does not qualify for a certificate or the application is filed by a person as a subterfuge for another person;
- (4) The application is incomplete, fails to meet the application requirements of this chapter, or does not contain the requisite documents, information, or affirmations under this chapter;
- (5) A short-term rental is not permitted on the property for which a certificate is sought, or if the dwelling unit or property being used as a short-term rental is in violation of any applicable zoning, subdivision, or building codes;
- (6) Information or materials submitted by the applicant to the county in connection with the application contain any fraudulent or material misrepresentation, omission, or false or untruthful statement or information; or
- (7) The applicant fails to pay any application fee required by this chapter.

All decisions denying an application for an accommodation excise tax certificate, or any renewal thereof, shall be in writing and served upon the applicant by email or certified mail, or both, to the email address or physical address provided by the applicant, and shall specify the reasons for the denial. Decisions denying an

application hereunder shall be appealable to the board of commissioners in accordance with section 29-13 of this chapter.  
(U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-11. Violations and penalties.**

(a) Whenever in this chapter any act is prohibited (or not allowed) or is made or declared to be unlawful or an offense, or whenever herein the doing of an act is required or the failure to do any act is declared to be unlawful or an offense, the violation of such provision shall be an ordinance violation punishable as follows:

- (1) Upon conviction of the first offense under this chapter within a consecutive 12-month period, the owner(s) of the property and/or the certificate holder shall be punished by a fine of \$250.00;
- (2) Upon conviction of the second offense under this chapter within a consecutive 12-month period, the owner(s) of the property and/or the certificate holder shall be punished by a fine of \$500.00;
- (3) Upon conviction of the third and any subsequent offense under this chapter within a consecutive 12-month period, the owner(s) of the property and/or the certificate holder shall be punished by a fine of \$1,000.00; and
- (4) Enforcement actions may also be brought against the occupants and/or guests of a short-term rental for violations of this chapter and/or such other ordinances of the county as may be applicable to the conduct of the occupants or guests, notwithstanding that this chapter may also make the property owner and/or the certificate holder responsible for the conduct constituting the violation. Violations of the provisions of this chapter by occupants and/or guests of the short-term rental shall be an ordinance violation punishable by a fine not to exceed \$1,000.00;

(b) Each day that a short-term rental is marketed, advertised, or rented for overnight accommodation without the necessary short-

term rental certificate required under this chapter shall constitute a separate violation. Any person marketing, advertising, and/or operating a short-term rental without a valid short-term rental certificate in violation of this chapter may be prosecuted and, upon conviction, punished by a fine not to exceed \$1,000.00;

(c) Nonpayment of any taxes due from the operation of the short-term rental may subject the property owner and/or the certificate holder to revocation of a certificate and/or any additional penalties, enforcement, or consequences to the extent provided for by state law and county ordinances, including, but not limited to those set forth in sections 14-151 through 14-156.

(d) Should the Cusseta-Chattahoochee Sheriff's Department respond to any property being operated as a short-term rental, the police should forward any report to the community development department.

(e) Notwithstanding anything to the contrary herein, the imposition of a fine, punishment, or other penalty under the provisions of this section shall not prevent the suspension or revocation of any accommodation excise tax certificate upon violation of this chapter.

(f) Violations of this chapter may also subject the violator to any and all other remedies, legal or equitable, available to Cusseta-Chattahoochee County to the extent provided for by law, including injunctive relief.

(g) No provision of the chapter is intended, nor shall it be construed, as giving the county or its representatives the right to enter into any dwelling unit for the purpose of searching, inspecting, or examining the premises to determine compliance with the provisions of this chapter without a court order or search warrant issued by a court of competent jurisdiction authorizing such search; provided, however, this shall not limit the authority of a law enforcement body to secure a search warrant in connection with criminal activity at a dwelling unit unrelated to compliance with this chapter or the authority of

the county to conduct otherwise lawful inspections of a dwelling unit unrelated to compliance with this chapter.

(U.G. Ord. No. 2022-5, 12-6-2022)

### **Sec. 29-12. Certificate suspensions and revocations.**

(a) In addition to any other penalty, punishment, or remedy provided for under this chapter, a Certificate may be suspended or revoked by the county manager (or designee) as provided for herein. The county manager, or his or her designee, may, upon investigation, suspend or revoke an accommodation excise tax certificate associated with a short-term rental:

- (1) If the property or short-term rental corresponding to that certificate has been the subject of three or more violations of this chapter or the county's noise ordinance which have resulted in convictions of either the property owner, certificate holder, local point of contact, or the occupants/guests (or any combination thereof) in the immediately preceding 12-month period;
- (2) If the short-term rental or property upon which it is located is being operated in a disorderly manner so as to constitute a public nuisance after: (1) the certificate holder and property owner (if different) have been advised in writing by the county of the unsatisfactory manner in which the short-term rental is being operated; and (2) after the certificate holder and property owner (if different) have been given a reasonable opportunity to cure said deficiencies;
- (3) Upon learning that an applicant furnished or made any fraudulent or material misrepresentation, omission, or false or untruthful statement or information in the application (or supporting materials) submitted to the county for a certificate or renewal thereof;
- (4) If the certificate holder or property owner violates or fails to meet or comply with any provision or requirement of this chapter, or fails to timely pay or remit

any certificate fees imposed under the provisions of this chapter or any accommodation excise taxes due to the county pursuant to sections 14-151 through 14-156; provided, however, prior to any such suspension or revocation, the certificate holder and property owner shall be advised in writing by the county of such violation or non-compliance and the fees or taxes believed to be past due, and the certificate holder and property owner shall be provided 14 calendar days to correct and cure such violation or non-compliance, or pay any such past due fee or excise tax; or

- (5) If a local point of contact fails to respond to calls or complaints regarding the condition, operation, or conduct of a short-term rental, or the behavior or conduct of the occupants and/or guests thereof, in a timely and appropriate manner on three or more separate occasions within the immediately preceding 12 months, provided that the county provides the certificate holder and property owner (if different) with notice of each such failure and a 14-day opportunity to respond to the notice in writing. It is not intended that an owner, managing agency, or local point of contact act as a peace officer or place himself or herself in an at-risk situation.

(b) If, upon investigation, the county manager (or designee) determines that sufficient grounds exist to suspend or revoke a certificate in accordance with this section, the county manager (or designee) shall issue written notice of the suspension or revocation to the certificate holder and property owner, if different. Suspensions shall specify the length of the suspension, not exceed 12 months. The written notice of suspension or revocation may be served upon the certificate holder and property owner by email or certified mail, or both, to the email address or physical address provided by the certificate holder in the application, and shall specify the facts which, in the opinion of the county manager (or designee) constitute grounds for the suspension or revocation of the certificate. The notice shall

also specify that the suspension or revocation of the certificate shall become effective 15 calendar days from the date of the notice, unless the certificate holder appeals such decision to the board of commissioners in writing in accordance with section 29-13 of this chapter no later than 14 calendar days from the date of the receipt of the notice of suspension or revocation.

(c) In the event that a single accommodation excise tax certificate is issued for multiple short-term rentals, the suspension or revocation notice shall specify the certificate sub-number(s) of the property(ies) whose certificate is being suspended or revoked. In such a case, suspension or revocation of a certificate(s) for the identified short-term rental(s) shall not affect the validity of the certificate as it relates to the remaining short-term rentals on that certificate.

(d) Should an accommodation excise tax certificate for any short-term rental be revoked under this chapter, then no accommodation excise tax certificate shall issue for that property or to that property owner or certificate holder for that particular location for a period of 12 months after the effective date of the revocation. Notwithstanding the foregoing, a new certificate may be applied for and issued under an application that otherwise meets the application requirements of this chapter: (1) if the subject property is sold to a new owner as part of an arm's length transaction; or (2) the application is submitted by a managing agency or agent who will serve as the new certificate holder, provided that it has not been the managing agency or agent or certificate holder for that particular property within the immediately preceding 12 months.

(U.G. Ord. No. 2022-5, 12-6-2022)

### **Sec. 29-13. Appeals.**

(a) Decisions denying, suspending, or revoking an accommodation excise tax certificate, or any renewal thereof, under this chapter may be appealed by the applicant or certificate holder, as applicable, to the board of commissioners.

(b) Upon receipt of any decision or determination to deny, suspend, or revoke any accommodation excise tax certificate, or any renewal thereof, an applicant whose application was denied, or a

certificate holder whose certificate was revoked, may appeal such decision to the board of commissioners. Any such appeal must be in writing and filed with the county clerk within 14 calendar days of the applicant's or certificate holder's receipt of the decision being appealed. Appeals to the board of commissioners must be sent to and received by the county clerk by certified U.S. mail or hand delivery. Appeals not physically received in writing by the county clerk within 14 calendar days of the applicant's or certificate holder's receipt of the decision being appealed will be deemed untimely and disallowed.

(c) The written appeal must state succinctly the grounds upon which it is asserted that the decision should be reversed and shall be accompanied by a copy of the decision from which the appeal is being made, along with any other documents deemed relevant to the appeal. The filing of a timely appeal to the board of commissioners will delay implementation of the decision being appealed until a decision is made on that appeal by the board of commissioners. If an appeal is not timely received, decisions denying, suspending, or revoking a certificate shall become effective and final on the fifteenth (15th) calendar day following the applicant's or certificate holder's receipt of such decision.

(d) Upon receipt of a timely appeal under this chapter, the county clerk shall schedule a hearing before the board of commissioners at a regular or special called meeting within 45 days of the receipt of the appeal. The county clerk shall provide written notice to the appealing party of the time, place, and date of the scheduled hearing by certified U.S. mail.

(e) The board of commissioners shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a certificate. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.

(f) At the hearing, after presentation of the case against the applicant or certificate holder, the appealing party will have an opportunity to present his or her case, to present evidence and information relevant to the appeal, to rebut the

allegations made against him or her, and to present whatever defenses he or she has. The appealing party shall have the right to be represented by an attorney at his or her own expense.

(g) At the conclusion of the hearing, the board of commissioners shall affirm, modify, or reverse the decision being appealed. Written notice of the board's decision shall be sent to the appealing party by the county clerk via email or certified U.S. mail, or both, and shall set forth the findings and conclusions of the board.

(h) Decisions of the board of commissioners regarding denials, suspensions, and revocations shall be binding, subject to the right of appeal to Superior Court as provided by O.C.G.A. § 5-4-1 et seq.

(U.G. Ord. No. 2022-5, 12-6-2022)

#### **Sec. 29-14. Right to audit.**

Cusseta-Chattahoochee County shall have the right to audit and examine the books, papers, records, and financial reports of any certificate holder pursuant to section 14-154 (i.e. the accommodation excise tax/lodging tax ordinance) in order to verify the accuracy of any accommodation excise tax return made, or if no return is made by the certificate holder, to ascertain and determine the amount required to be paid. The accommodation excise tax certificate holder shall keep and maintain such records, receipts, invoices, and other pertinent papers regarding the operation of a short-term rental as required by section 14-154 and shall establish and maintain a reasonable accounting system to readily identify and calculate the amount of accommodation excise taxes due for each short-term rental.

(U.G. Ord. No. 2022-5, 12-6-2022)

#### **Sec. 29-15. Exceptions.**

(a) Real property that is occupied for a period of less than 30 consecutive days by a buyer or seller of real property prior to or after the closing of same shall not be considered a short-term rental or require an accommodation excise tax certificate under this chapter, provided that the



property is not otherwise furnished or offered for value to any other person(s) during the same calendar year for 30 days or less at one time.

(b) Real property that is occupied by or offered for occupancy to the same person for a period greater than 30 consecutive days shall not be considered a short-term rental or require an accommodation excise tax certificate under this chapter, provided that the property is not otherwise furnished or offered for value to any other person(s) during the same calendar year for 30 days or less at one time.

(U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-16. Effective date.**

This chapter shall become effective on January 1, 2023. Any accommodation excise tax certificate issued under this chapter on or before December 31, 2022, shall be valid beginning on January 1, 2023.

(U.G. Ord. No. 2022-5, 12-6-2022)

**Sec. 29-17. Severability.**

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this chapter.

(U.G. Ord. No. 2022-5, 12-6-2022)



## APPENDIX A

### ZONING\*

Sec. 1.	Title and objectives.
Sec. 2.	Legislative authority.
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**\*Editor's note**—Printed herein is the zoning ordinance of the unified government of Cusseta-Chattahoochee County, Georgia being U.G. Ord. No. 2004-2, adopted January 7, 2004. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of expression of numbers in text as appears in the Code of Ordinances has been used. A consistent scheme of capitalization has also been used. Additions for clarity are indicated by brackets.

**State law reference**—Zoning, O.C.G.A. § 36-66-1 et seq.



## CUSSETA-CHATTAHOOCHEE COUNTY

## ZONING ORDINANCE

## ORDINANCE # 2004-2

Be it ordained by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia that the zoning ordinance of the Unified Government of Cusseta-Chattahoochee County shall be adopted, and any and all preceding zoning ordinances, if any, shall be amended to read as follows:

**Sec. 1. Title and objectives.**

This ordinance shall be known as the "Zoning Ordinance of Cusseta-Chattahoochee County, Georgia," for the purpose of setting forth standards and permissible uses designed to conserve and protect the natural, economic and scenic resources of the county; to promote health, safety, aesthetics, order and the general welfare; to provide adequate light and air; to prevent the over crowding of land; to promote desirable living conditions and stability of neighborhoods; to facilitate the adequate provision of transportation, water, public and private sewerage, schools, parks and other public requirements by regulating the uses of the land. This ordinance shall be known and may be cited as the "Zoning Ordinance of Cusseta-Chattahoochee County, Georgia."

**Sec. 2. Legislative authority.**

Whereas, counties of the State of Georgia are authorized by the 1983 Georgia State Constitution, article 9, section 2, paragraph 4, and chapter 66 of title 36 of the Official Code of Georgia Annotated (O.C.G.A. § 36-66-1 et seq.), to exercise the powers of planning and zoning; and whereas it has been determined by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia that it is necessary and desirable to adopt zoning regulations under the authority of the above cited constitutional and statutory provisions.

**Sec. 3. Method of regulation.**

Now therefore be it resolved that the commission of the Unified Government of Cusseta-

Chattahoochee County, Georgia, as authorized by the Constitution of the State of Georgia, has created a planning commission known as the Cusseta-Chattahoochee County Planning Commission and does hereby adopt zoning regulations for the following purposes: to define certain words used therein; to create zone boundaries; to regulate the location of trades, professions, businesses, and industries; to regulate the density and distribution of population; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to define and limit the powers and duties of the planning commission; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; to repeal conflicting ordinances and resolutions.

There are two different bodies that are involved in the zoning process:

- 1) The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.
- 2) The Cusseta-Chattahoochee County Planning Commission.

**Sec. 4. Jurisdiction.**

This ordinance shall govern the use of all land and development therein and within the limits of Cusseta-Chattahoochee County, Georgia.

**Sec. 5. Word usage and definitions.**

5.1 *Word usage.* In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.

F.[E.] The word "person" includes individuals, firms, corporations, associations, trusts, and other similar entities.

G.[F.] The word "county" shall mean the Unified Government of Cusseta-Chattahoochee County, Georgia.

H.[G.] The words "governing body" refer to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.

I.[H.] The words "planning commission" refer to the Cusseta-Chattahoochee County Planning Commission.

5.2 *Definitions.* When used in this ordinance, the following terms shall have the meanings herein ascribed to them in this section. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context.

*Abutting or adjacent land.* Any land owned by another person(s) or legal entity(ies) which is contiguous to land involved in a zoning change. Any abutting or adjacent land is considered to abut if there is a common boundary line; or if it is separated by lands owned by a municipal corporation, lands owned by the County of Chattahoochee, or by lands owned by the state, or by the definite width of any street, road or highway, any creek or river, or any right-of-way of a railroad or other public service corporation.

*Agriculture or agricultural.* The bona fide use of a parcel of land of twenty acres or more for the cultivation of land, raising of poultry or livestock or similar agrarian activity for gain or profit and the related buildings, structures, and appurtenances necessary to carry out the aforementioned activities.

*Alley.* A private or public thoroughfare which affords only a secondary means of access to a building or property and not intended for general traffic circulation.

*Aquifer.* Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from an excavated or drilled well.

*Bed and breakfast.* A dwelling unit in which room(s) or lodging unit (or units) and continental

breakfast service only is provided to guest clients, for lengths of stay ranging from one night to seasonal, by owner of the principal structure.

*Boarding house.* A building where, for compensation, lodging and/or meals are provided for not more than ten persons.

*Buffer.* A buffer is a strip of land which separates two or more zoning districts by the use of shrubs and trees which will form an opaque barrier of a prescribed width and be at least six feet in height within three years of planting.

*Building setback line.* A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, porches, gutters, and similar fixtures, and the property line measured perpendicular thereto.

*Commercial outdoor recreation development (CORD).* A development of at least five acres or more that encompasses active and/or passive outdoor recreational activities.

*Comprehensive plan.* A composite of the joint Chattahoochee County/City of Cusseta Comprehensive Plan, all accompanying maps, charts, explanatory materials, together with all amendments thereto, adopted by the Chattahoochee County/Cusseta Planning Commission and the Chattahoochee County Board of Commissioners and the Cusseta City Council.

*CORD.* Is the acronym for a commercial outdoor recreation development district. A CORD district may be located in any zoning district with prior approval by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.

*County engineer.* An engineer, licensed and registered in [the State of] Georgia, to perform the duties of county engineer as therein specified.

*District.* Any section or sections of the county for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

*Dwelling, attached.* Three or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls from ground to roof; also referred to as a townhouse.

*Dwelling, multi-family.* A dwelling unit contained in a building composed of three or more dwelling units. Also referred to as an *apartment*.

*Dwelling, semi-detached.* Two dwelling units, each of which is attached side to side, each one sharing only one common wall with the other; also referred to as duplex when placed on a single lot or a townhouse when each is on a lot.

*Dwelling, single-family detached.* A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit.

*Dwelling, site-built.* A dwelling unit constructed entirely on the site on which it will be located with materials brought to the site in unfinished form.

*Dwelling unit.* A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking, sleeping and sanitary facilities.

*Easement.* A grant by the property owner for use, by the public or a person, of a strip of land for specified reasons.

*Final plat.* A complete and exact subdivision plan prepared for official recordation as required herein.

*Floating zone.* A zoning technique under which the county adopts a zoning district in the text of the zoning ordinance but it is not placed on the official zoning map. The county reserves the mapping decision until a developer makes an application to have the floating zone applied to his property. Each floating zone will have density and site development standards.

*Flood plain.* The area or low land adjacent to the channel of a river, stream, watercourse, lake or other water body that is susceptible to periodic inundation. (The Chattahoochee County Flood Plain Ordinance restricts development in the 100-year flood plain, which refers to the land which would be inundated by a flood resulting from a

storm that has the mathematical probability of being equaled or exceeded in any year (or one percent chance).

*Grandfathered rights.* [Grandfathered rights] describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance. Grandfathered rights allow the owner of the property to continue a legally nonconforming use under the provisions contained in the zoning ordinance pertaining to nonconforming uses. For example, but not necessarily limited to the following:

If your house or mobile home is currently on a lot that does not meet the acreage requirements of this ordinance, you can 1) still build onto your house; 2) replace your mobile home with a new one; 3) remove your mobile home and build a house. If you own land that is currently recorded as a lot of record in the courthouse but it does not meet the acreage requirements of this document, you can still build on the lot.

*Groundwater recharge area.* The land area where the water that eventually seeps down into an aquifer first enters the ground as mapped on the Most Significant Groundwater Recharge Areas of Georgia and the Georgia Pollution Susceptibility Map.

*Group home.* A dwelling unit which is used to provide assisted community living for persons with physical, mental, emotional, familial or social difficulties. A group home must comply with all state and federal regulations applying to such facilities.

*Hazardous waste.* Any waste product which has been defined as a hazardous waste in regulations, promulgated by the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 CFR section 261.3 [40 CFR 261].

*Home occupation.* Any use conducted entirely within a dwelling by the residents thereof, which is secondary to the use of the dwelling for residence purposes (see section 11.11 Customary home occupations for other requirements).

*Hotel.* Any building containing principally sleeping rooms in which transient guests are lodged with or without meals, with no provision made for cooking in any individual room or suite. For structural and safety purposes, such buildings must conform to state laws regulating hotels.

*Industrialized building.* Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof, and bearing the approved insignia of the commissioner of community affairs, Georgia Department of Community Affairs.

*Lot.* A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or lease to, or separate use of, another, or for development. The word "lot" includes, but is not limited to, the words "plot" or "parcel".

*Lot area.* The horizontal area contained within the boundary lines of a lot measured in square feet or acres.

*Lot, corner.* A lot abutting two or more streets at their intersection.

*Lot depth.* The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

*Lot, double frontage.* A lot that has frontage on two nonintersecting streets and which is accessible from both of the streets upon which it fronts.

*Lot frontage.* Lot width measured at the street lot line(s), being the length of the property line of any one premises along each legally accessible public right-of-way it borders.

*Lot line.* A line bounding a lot which divides one lot from another or from a street or any other public or private space.

*Lot line, front.* That lot line along which the lot takes primary access to a street.

*Lot line, rear.* That lot line which is most distant from the front lot line of a lot or, in the case of an irregular lot, a line 20 feet in length,

entirely within the lot, parallel to and at the maximum possible distance from, the front lot line.

*Lot line, side.* Any lot line other than a front or rear lot line.

*Lot of record.* Any lot recorded in the office of the clerk of superior court which at the time of its recordation complied with all applicable laws, ordinances and regulations.

*Lot remnant.* A portion of land below the minimum lot size as prescribed for the zoning district in which it is located.

*Lot width.* The mean horizontal distance between the side lot lines measured parallel to the front and rear lot lines at the building line. In the case of only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

*Manufactured home.* A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 USC 5401, et seq. The definition at the date of adoption of this part is as follows:

Manufactured home means a structure (manufactured after June 15, 1976), 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 and complies with the standards established under this title.

*Mobile homes.* A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built



on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976.

*Modular building.* An industrialized building which bears the insignia of approval issued by the commissioner of the Georgia Department of Community Affairs.

*Motel.* A building or group of buildings containing guest rooms and having a separate outside entrance for each guest room. To be used primarily for automobile transients and including such terms as "auto court" and "motor lodge" but not "boarding house" as defined in this section.

*Nonconforming use.* A building, structure or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the zoning district in which it is situated.

*Occupy.* To use land or buildings for any length of time for a purpose for which the land or a building or part thereof is used or is intended to be used. Any variation of the term "occupy" shall be encompassed by this definition.

*Planned unit development (PUD).* A planned unit development is a large, unified development of ten acres or more adhering to a comprehensive development plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, whose approval would serve to implement the plans of Cusseta-Chattahoochee County.

*Plat.* A sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements with the dimensions of these features inscribed thereon.

*Pollution susceptibility map(s).* Maps prepared by the Georgia Department of Natural Resources (NDR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the state into areas of high, medium and low groundwater pollution potential.

*Public utility or utilities.* A service or services provided by a public utility company or a private entity which provides such service or services, and all equipment and structures necessary to provide such services.

*Restaurant.* A public eating place where meals are provided for compensation, including, but not limited to, cafeteria, dining room, coffee shop, lunchroom and tea room.

*Right-of-way.* Access over or across particularly described property for a specific purpose or purposes.

*Right-of-way line.* The outside boundary of a right-of-way, whether such right-of-way be established by usage, recorded easement, deed, dedication or by the official right-of-way map of Chatahoochee County.

*Road.* See definitions of "Street," "Highway," "Road."

*Rooming house.* A building where, for compensation, lodging only is provided for not more than ten persons.

*Significant groundwater recharge areas.* Areas mapped by [the] DNR in [the] Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of karst topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

*Street.* A way for vehicular traffic whether designated as a street, highway, thoroughfare, road, avenue, boulevard, lane, place, or however otherwise designated. Streets are classified as follows:

*Street, arterial.* A road or street that accommodates a high volume of traffic. Access may be limited and signalization may be used to maximize traffic flow. Highest order of street classification. Receives collector streets.

*Street, connector.* A street connecting major state and U.S. highway systems running throughout the country and primarily a means of interconnection between this system and smaller areas.

*Street, cul-de-sac.* A street intersecting another street at one end and permanently terminated by vehicular turn-around at the other.

*Street, dead-end.* A street having no outlet at one end.

*Street, highway, road.* A road or street that forms a part of the existing or projected federal aid highway system or the state or county highway system.

*Street, local.* A street, the principal purpose of which is to provide vehicular access from properties abutting it to collector streets.

*Street, major collector.* A highway or street of considerable continuity which is primarily a traffic artery for interconnection among large areas designed to carry heavy volumes of traffic.

*Street, minor collector.* A street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting streets.

*Street, parallel access.* A service street which parallels and is immediately adjacent to a major street or highway, and which provides access to abutting property and provides control of access to the major street.

*Street centerline.* That line surveyed and monumented or accepted by Cusseta-Chattahoochee County as the centerline of the street; or in the event no centerline has been so determined, that line running midway between and generally parallel to the direction of the outside right-of-way lines of the street.

*Structure.* Anything constructed or erected that requires location on the ground or attached to something having a location on the ground, to include, among other things, buildings, towers, monuments, statues; but not to include telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences or any other thing less than three feet in height.

*Subdivision.* The division of a lot, tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land for the purpose, whether immediate or future, of sale or building

development. The following shall not be considered a subdivision within the meaning of this ordinance:

- (a) Divisions of two or more lots where each lot has a minimum of five acres and a minimum of 200 feet of government permissible, accessible road frontage on an existing public road, if no new streets are created and the resultant lots meet the standards of the Chattahoochee County Zoning Ordinance;
- (b) Divisions of property by testamentary or intestate provisions;
- (c) Divisions of property upon court order, including but not limited to judgments of foreclosure;
- (d) Consolidation of existing lots by deed or other recorded instrument; and
- (e) Divisions of property owned by multiple owners where the property is to be deeded individually to several owners and otherwise complies with the provisions of the ordinance.

*Subdivision, exempt.* Any division of land not classified as a subdivision.

*Subdivisions, major.* Any subdivision not classified as a minor subdivision.

*Subdivisions, minor.* The following shall be deemed minor subdivisions:

- (a) Any subdivisions or resubdivisions which will not involve the construction of any new streets, publicly developed drainageways, or the extension of public utilities, and is not in conflict with the Chattahoochee County Comprehensive Plan, these regulations, the county subdivision regulations, or other applicable regulations as officially adopted.
- (b) Where a building exists on each proposed lot, tract, parcel, site or plot of land in the subdivision, provided that the owner certifies on the plat that all such existing buildings were constructed prior to the adoption of these regulations and that

such plat is submitted to the planning commission for a full staff review which shall be noted on the plat.

- (c) Where the combination or recombination of portions of previously platted lots where the total number of lots, tracts, parcels, sites, or plots of land is not increased and the resultant lots, tracts, parcels, sites, or plots of land are equal to the standards of this ordinance, the subdivision regulations, or applicable regulations or ordinances as officially adopted by the county.

*Substandard lot.* Any lot in a zoning district permitting construction of single family dwellings which was on record in the Office of the Clerk of the Superior Court of Chattahoochee County at the time of the adoption of this ordinance, and which does not meet the minimum requirements of this ordinance for lot, (See section 12.4 Substandard Lots, for further explanation).

*Use.* The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

*Use, accessory.* A use that is 1) subordinate to and serves a principal structure or use; 2) subordinate in area, extent and purpose to the principal structure or use; 3) located on the same lot as the principal structure or use except as expressly authorized by this ordinance; and 4) customarily incidental to the principal structure or use.

*Use, conditional.* A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the planning commission, and subject to special requirements, different from those usual requirements for the district in which it may be located.

*Use, principal.* The specific primary use for which land or any building thereon is used.

*Use, temporary.* Any use established, for a fixed period of time, without construction or alteration of a permanent structure, with the intent to discontinue such use upon expiration of such time.

*Variance.* A modification of the strict terms of zoning regulation granted by the Cusseta-Chat-

tahoochee County Planning Commission where such modification will not be contrary to the public interest, and where, owing to conditions unique to the individual property on which the variance is sought and not as a result of any action on the part of the property owner, a literal enforcement of this resolution would result in unnecessary and undue hardship provided, however, that no variance shall be granted which shall authorize a land use not otherwise permitted in a particular district.

*Wetlands.* Areas that are flooded or saturated by surface or groundwater often and long enough to grow vegetation adapted for life in water-saturated soil, as mapped by the U.S. Fish and Wildlife Service National Wetlands Inventory (NWI).

*Yard.* A required open space on the same lot with a principal building, and which is unoccupied, and unobstructed by buildings or structures from the ground to the sky, except where encroachments and accessory buildings are expressly permitted.

*Yard, front.* The full width of the lot between the street right-of-way and the front building line.

*Yard, rear.* The full width of the lot between the rear line of the lot and the rear of a building.

*Yard, side.* The space between the building and the side line of the lot exclusive of front and rear yard.

*Zone.* [The term "zone"] is a district within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

*Zoning condition.* Any stipulation made by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia as part of a zoning decision affecting property which imposes a requirement on the use or development of property which is different from the use or development regulations set forth in the zoning district to which the property is being rezoned. By way of example, but not as a limitation, such zoning

conditions may relate to the use, density, construction materials, architectural style and design, location of structures, and buffers.

*Zoning decision.* Final action by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia which results in:

- a) The adoption of a zoning ordinance;
- b) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance; or
- c) The adoption of an amendment to the zoning ordinance which rezones property from one zoning district to another;
- d) The approval of a conditional use.

**Sec. 6. Establishment of districts.**

*6.1 District designations.* Cusseta-Chattahoochee County is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement The comprehensive plan for Chattahoochee County and the City of Cusseta, and to serve the intents and purposes which are detailed in section 1. For the purposes of this ordinance, the unincorporated areas of the county are hereby divided into districts as follows:

- Agricultural
  - A-1 General agricultural and forestry district
- Rural Residential
  - R-R Rural residential district residential
  - R-1 Residential district
  - R-2 Residential (site-built dwellings) district
  - R-3 Medium density residential district
  - R-4 Medium density residential (site-built dwellings) district
  - R-5 Multi-family residential district
- Commercial
  - C-1 Commercial district
  - C-2 Urban commercial district
- Industrial
  - I-1 Industrial

- (Floating)
- (CORD) (Commercial outdoor recreation district)
- (CEM) (Cemetery)
- (MHU-1) (Manufactured housing unit district-parks)
- (PUB) (Public use district)

*6.2 Official zoning map.*

The location and boundaries of the zoning districts established by this ordinance are bound and defined as shown on the map(s) entitled "Zoning Map of Cusseta-Chattahoochee County, Georgia." Said map shall also be identified by the signature of the clerk of the unified government of Cusseta-Chattahoochee County, Georgia and the date of adoption of this ordinance. The zoning map(s) and all explanatory matters thereon are hereby adopted and made a part of this ordinance.

Changes made in district boundaries or other matters portrayed on the zoning map(s) shall be entered on said map(s) promptly after such change has been approved by the governing authority together with an entry on the map(s) showing the date and ordinance number such action was approved. No amendment to this ordinance which involves matters portrayed on the zoning map(s) shall become effective until such change and entry has been made on said map(s).

The zoning map(s) shall be kept and maintained by the office of the commission of the unified government and shall be available in the courthouse annex for inspection and examination by the public during regular business hours.

*6.3 Interpretation of zoning boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways or alleys shall be construed to follow the center lines of such streets, highways or alleys.

2. Boundaries shown as following or approximately following railroad lines shall be construed to follow the right-of-way of said railroad line.
3. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said lot lines.
4. Boundaries indicated as following or approximately following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as following or approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as following or approximately following the city limits of the appropriate city shall be construed as following such city limits.
6. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

When the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two districts, the applicant may request and shall be granted a hearing by the planning commission who will then make a recommendation to the commission of the unified government, for the purpose of defining the boundaries.

6.4 *Conformity.* From the date of the enactment of this ordinance, no building or land shall be used or occupied except in conformity with the provisions of the zoning ordinance herein specified for the district in which it is located. No owner of any lot located within this county shall subdivide said lot such that remaining lots would have an area less than that required under the applicable zoning district requirements. See section 12 for non-conformity.

## **Sec. 7. Purpose and intent of zoning districts.**

The following sections specify the purpose and intent of the zoning districts established by this

ordinance. Uses specified in this section are examples only. Specific uses allowed in each district are defined in section 9.

*A-1 Agricultural district.* The agricultural district is established to maintain those areas with land characteristics, such as soil moisture, temperature and content suitable for farming, forestry operations and other agricultural uses from encroachment by untimely and unplanned residential, commercial or industrial development; to permit the continuation of agricultural uses in areas where development is anticipated, but where the present application of zoning controls for future, more intensive uses would be unreasonable and premature. Certain agricultural uses are referred to as a conditional use and are subject to approval by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia

*R-R Rural residential district.* The rural residential district is established to maintain those areas of Cusseta-Chattahoochee County which are residential with rural characteristics and uses. The rural residential district is established to preserve land areas for single family detached dwelling units on large lots (5 or more acres in size) while allowing for a variety of typically rural uses.

*R-1 Residential district.* The district is established to maintain those areas of Cusseta-Chattahoochee County which are residential in character and use. This district provides areas for development of residential uses. The residential district is established to preserve land areas for single family detached dwelling units, to include all types of housing units to promote residential areas.

*R-2 Residential (site-built dwellings/modular homes).* The residential (site-built dwellings/modular home) district is established to maintain those areas of Cusseta-Chattahoochee County which are characterized by residential site-built/modular home single family detached dwellings. The district is established to protect, preserve, and promote the character of site-built/modular home single family detached dwelling areas.

*R-3 Medium density residential.* The medium density residential district is established to maintain those areas of Cusseta-Chattahoochee County which are characterized by residential dwellings located on lots less than one acre in size. The district is established to protect, preserve, and promote the character of more urbanized dwelling areas.

*R-4 Medium density residential (site-built/modular homes).* The medium density residential (site-built/modular home dwellings) district is established to maintain those areas of Cusseta-Chattahoochee County which are characterized by residential site-built/modular home single family detached dwellings on lots less than one acre in size. The district is established to protect, preserve, and promote the character of more urbanized site-built/modular home single family detached dwelling areas.

*R-5 Multi-family residential.* The multi-family residential district is established to maintain those areas of Cusseta-Chattahoochee County which are characterized by multi-family dwellings. The district is established to protect, preserve, and promote the character of multi-family dwelling areas.

*C-1 Commercial district.* The commercial district is established to provide suitable areas for a broad range of retail, wholesale and service uses. General compatibility with abutting different uses is required, this may be achieved through buffering, screening and/or development plan review. Development in these districts should be located on arterial streets or collector streets of the associated street network.

No new C-1 Commercial districts may be created which contain less than one acre.

*I-1 Industrial district.* The industrial district is established to provide areas for the development of industrial and assembly plants and their related activities. It is also the intent of this district that noise, odor, dust and glare associated with uses permitted in this district be confined within buildings so as to minimize the effects upon adjacent development and uses. It is also the intent of this district that traffic generated by uses permitted including raw materials, finished

products and employees, be minimal but that transportation facilities and routes be easily accessible. Development in these districts should be served by sanitary sewer or have provision for on-site disposal.

No new I-1 Industrial districts may be created which contain less than two acres.

#### *Floating zones*

*CORD Commercial outdoor recreation development district.* The CORD district is established to provide areas for private recreational facilities and activities. This does not include seasonal hunting rights between consenting parties. CORDS may be located in any district subject to approval by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.

*MHU-1 Manufactured housing unit district-parks.* The manufactured housing unit district-parks is established to provide areas within the county for the placement of manufactured housing units in parks which are designed for the placement of manufactured housing units.

*PUD Planned unit development.* The PUD district is established to encourage the appropriate development of tracts of land in all zoning districts sufficiently large to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping and working.

*CEM Cemetery.* Any new cemetery, excluding private family burial plots on privately owned land, shall be located on a site containing not less than ten acres. Structure setback shall conform to the district regulations in which the site is located. All burial lots shall be set back not less than 25 feet from the lot line. Cemeteries shall have direct access to major thoroughfares with ingress and egress designed to minimize congestion.

*PUB Public use district. The PUB district is established to provide areas for public recreation uses, public education uses, public utility uses, and other public uses.*

(Ord. No. 2008-1, § 14-4-2008)

### **Sec. 8. District regulations.**

Within the zoning districts established there are uses permitted, density limitations imposed, and special requirements set forth. This section establishes those uses permitted, limits density, and sets forth certain special regulations in order to achieve compatibility with the Cusseta-Chattahoochee County Comprehensive Plan.

8.1 *Uses permitted in all districts.* There shall be permitted in all districts the following uses:

- A. Public utilities (but not including power and gas substations and pumping stations).
- B. Accessory structures.

8.2 *Conditional uses permitted in all districts with review.* There shall be permitted in all districts the following conditional uses only after site plan review by the planning commission and approval by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia:

- A. Public buildings of a governmental nature, including libraries. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.
- B. Public utilities, not otherwise specified, including power and gas substations and pumping stations. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.
- C. Public school buildings and associated uses, public vocational schools, public research and training facilities. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.
- D. Public recreational facilities, including parks, playgrounds, stadiums, etc. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.

### 8.3 *Conditional uses.*

Uses with an asterisk (\*) following the district are considered to be a conditional use. These uses are deemed "appropriate" in some locations within a district or group of districts, but only if certain conditions are met. The planning commission may recommend that additional conditions need to be adopted in order to protect the health, safety and welfare of the county.

All conditional uses will require the submission of an overall development scheme stating the development intentions of the landowner, including but not limited to the following: a statement of location and intensity of proposed use(s) and activity(ies), a physical description of proposed facilities accommodating such uses, and a general location of existing and proposed public utilities. Public notification procedures described in section 15.2 shall be followed for all conditional use permits.

8.4 *Number of single family detached dwellings per lot.* No more than one single family detached dwelling and/or principal building and its customary accessory building shall hereafter be erected on any one lot. In the A-1 (Agricultural) district and R-R (Rural Residential) district there may be up to four single family residential dwellings on any parcel of land under single ownership (three, plus the owner's dwelling) where the following conditions can be met:

- a. The additional dwellings may be occupied by either blood relatives to the owner of the property and said blood relationship shall extend to but not beyond the second descending and ascending generation, or full time caretaker employees of the property owner who are part of the farming operations and responsible for the agricultural production of the property.
- b. Each single family detached dwelling shall occupy a land area not less than 43,560 square feet (one acre) and conform to the lot requirements of the R-1 district.
- c. Each such land area shall receive approval from the county environmental

health specialist as to the suitability of the site for an effective sanitary sewage disposal system.

- d. No commercial uses of the buildings are allowed and no rental charges can be placed on these units.
- e. Each dwelling shall be accessible to the public roadway.
- f. Individual power supply sources shall be provided to each dwelling and each utility installation shall meet all code requirements.
- g. Permits for construction will not be issued prior to the approval of each of the aforementioned conditions by the building inspector or his designee.

8.5 *Specific district regulations.* The following pages contain specific regulations for each district including uses permitted, uses prohibited, required lot area, density limitations, setbacks, and height limitations. All lands, buildings and structures shall be developed in accordance with the zoning district regulations and use regulations applicable to the zoning district in which such land, buildings, and structures are located. Any development of land not in accordance with that permitted under this ordinance shall be prohibited.

#### I. *Zoning district regulations.*

##### A-1 *Agricultural district.*

1. Minimum lot requirements: 20 acres.
2. Dwelling units allowed: one for every 20 acres.
3. Minimum lot width at front building line: 150 feet.
4. Front yard setback: 85 feet on major thoroughfare; 35 feet on any other street.
5. Side yard setback: 15 feet on each side.
6. Rear yard setback: 20 feet.

##### RR *Rural residential district.*

1. Minimum lot requirements: five acres.
2. Dwelling units allowed: one for every five acres.

3. Minimum lot width at front building line: 150 feet.
4. Front yard setback: 85 feet on major thoroughfare; 35 feet on any other street.
5. Side yard setback: 15 feet on each side.
6. Rear yard setback: 20 feet.

##### R-1 *Residential district.*

1. Minimum lot requirements: one acre.
2. Dwelling units per one acre: one.
3. Minimum lot width at front building line: 75 feet.
4. Front yard setback: 55 feet on major thoroughfare; 35 on any other street.
5. Side yard setback: 15 feet on each side.
6. Rear yard setback: 20 feet.

##### R-2 *Residential (site-built dwellings) district.*

1. Minimum lot requirements: one acre.
2. Dwelling units per one acre: one.
3. Minimum lot width at front building line: 75 feet.
4. Front yard setback: 55 feet on major thoroughfare; 35 on any other street.
5. Side yard setback: 15 feet on each side.
6. Rear yard setback: 20 feet.

##### R-3 *Medium density residential district.*

1. Minimum lot requirements: 32,000 square feet.
2. Dwelling units per lot: one.
3. Minimum lot width at front building line: 50 feet.
4. Front yard setback: 35 feet on major thoroughfare; 20 on any other street.
5. Side yard setback: 15 feet on each side.
6. Rear yard setback: 20 feet.

##### R-4 *Medium density residential (site built dwellings) district.*

1. Minimum lot requirements: 32,000 square feet.



2. Dwelling units per lot: one.
3. Minimum lot width at front building line: 50 feet.
4. Front yard setback: 35 feet on major thoroughfare; 20 on any other street.
5. Side yard setback: 15 feet on each side.
6. Rear yard setback: 20 feet.

*R-5 Multi-family residential district.*

1. Minimum lot requirements: one acre.
2. Maximum dwelling units per acre: four.
3. Minimum lot width at front building line: 75 feet.
4. Front yard setback: 35 feet on major thoroughfare; 20 on any other street.
5. Side yard setback: 15 feet on each side.
6. Rear yard setback: 20 feet.

[sic] planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

*I-1 Industrial district.*

1. Minimum lot requirements: two acres.
2. Maximum lot coverage: 50 percent of total area.
3. Minimum lot width at front building line: 75 feet.
4. Side yard setback: 30 feet (see note other req. 7a).
5. Street side setback: 50 feet.
6. Rear yard setback: 50 feet (see note other req. 7b).
7. Other requirements:
  - a. A side yard setback of 50 feet shall be required where a side yard abuts a residential district, and 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.
  - b. When a rear yard abuts a residential district, 20 feet of the setback shall be planted with a buffer strip of shrubs and trees to provide an aesthetic appearance.

c. A landscaped or naturally vegetated area a minimum of five feet wide shall be required on three sides of the property unless waived by the Chattahoochee County Planning Commission.

8. Off-street parking: as required in section 11.3.
9. Off-street loading and unloading: as required in section 11.4.

II. *Floating zones.*

CORD Commercial outdoor recreation development.

1. A site plan for the total acreage must be submitted to the planning commission for review to ensure consistency with the overall plans for the appropriate development of the county. Final approval of the plan rests with the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.
2. Amendments to the approved site plan must be submitted to the planning commission for review and forwarded to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia for final approval.
3. When [a] CORD abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.
4. A landscaped or naturally vegetated area a minimum of 20 feet wide shall be required on three sides of the property.

*MHU-1 Manufactured housing unit district-parks (mobile home parks).*

Acreage requirements: Manufactured housing unit parks shall be located on a site containing not less than 20 acres and not more than 30 acres.

Area: The area of a park must be of a size to allow an average of 15,000 sq. ft. per manufactured housing unit lot. The entire area designated as MHU-1 must be utilized for placement of MHU's with a

minimum density of two units per acre; exclusive for the areas used for utilities and amenities: office, laundry, playground or other public use areas.

Yards: front - 50 feet; rear and side - 25 feet for manufactured housing unit park.

Space front yard: ten feet minimum.

Space side yard: 20 feet between manufactured housing units.

Space rear yard: 25 feet minimum.

Parking: two spaces for each manufactured housing unit.

*Other requirements.*

1. Survey site plan required shall include the following: name and address of owner, vicinity map, with a minimum scale of one inches = 100 feet, north arrow, numbered lots, lot numbers, size of lots, street layout, trash container(s) location, location of all utilities including sewage, unless originally approved with site plans.
2. Streets within MHU's parks will be paved and maintained to the same standard as other streets in the community.
3. Each manufactured housing unit space shall be furnished with connections to water, sewer or septic (tank), and electricity utilities; and shall be approved by the appropriate public department, in accordance with state law.
4. Manufactured housing units designed for residential use may not be used for non-residential use within manufactured housing unit parks, except for the manufactured housing unit park office. Manufactured housing units designed for recreational purposes are allowed.
5. Each manufactured housing unit space may have an accessory building located in the rear yard and such accessory unit shall not be located closer than ten feet to the manufactured housing unit.
6. Trash removal shall be in accordance with the Cusseta-Chattahoochee County Recycling Plan.
7. All owners, operators of said manufactured housing parks shall be responsible for the upkeep within the confines of said park to assure a clean, habitable and sanitary environment.
8. A 20-foot wide buffer strip shall be planted within the 25-foot side and rear yards of the manufactured housing unit park.
9. Skirting. All manufactured housing units shall have suitable skirting between the base of the unit and the ground with suitable ventilation.
10. Anchors. All units shall be provided with anchors as required by state law.
11. Travel trailers. Manufactured housing unit space shall not be used for the accommodation of travel trailers or recreational vehicles under any circumstances.
12. Age of units. The manufactured housing unit to be placed must be certified under the U.S. Department of Housing and Urban Development and as applicable to the Georgia State Fire Marshal's Office and manufactured and not be in excess of 20 years of age when placed in a manufactured home park and not be in excess of ten years of age in other areas of Cusseta-Chattahoochee County.
13. See Manufactured housing unit, section 11.12.
14. Recreational facilities for residents and guests may be provided.
15. Business license to operate a mobile home park is required.

(Ord. No. 2008-1, 3-4-2008)

*III. Planned unit development regulations.*

The purposes of these regulations are to encourage the appropriate development of tracts of land in all zoning districts sufficiently large to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility with surround-

ing areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping and working.

*Ownership.*

To qualify as a planned unit development (PUD) the tract or tracts of land included in such development must be under one ownership or control or must be the subject of a joint application by the owners of all the property included. The holder of a written option to purchase or any governmental agency shall be deemed to be the owner of such land for purposes of satisfying this requirement. Unless otherwise provided as a condition for approval of a planned unit development, the applicant may divide and transfer units of any development for which approval has been granted, provided that the transferee shall complete each such unit, and use, and maintain it, in strict conformance with the approved development plan.

*Review criteria.*

A PUD may be approved only when the following review criteria are met:

1. The proposal shall produce a functional, enduring and desirable environment, with no significant adverse impacts to adjacent properties.
2. The proposal shall be consistent with the plans of Cusseta-Chattahoochee County.
3. The design and site planning shall insure compatibility and harmony with existing and planned uses on adjacent properties. Design elements to be considered include, but shall not be limited to, architectural style, placement of buildings upon land, building heights and bulk, off-street parking, open space, privacy and landscaping.
4. The proposal shall ensure compatibility and harmony with natural features of the site and adjoining properties. Natural features to be considered include, but shall not be limited to, topography, native vegetation, wildlife habitats and watercourses.
5. The location, design and size of the proposal are such that occupants will be adequately served by existing or proposed facilities and services.

6. The proposal shall provide adequate common open space areas free of buildings, streets, driveways, or parking areas. The common open space shall be so designed and located that it is easily accessible to all occupants of the project and is usable for open space and recreational purposes.
7. Off street parking facilities shall provide parking sufficient for occupants of the development and their guests and shall be planned part of the development to minimize exposure and impact on surroundings.
8. Perpetual maintenance of all common land and facilities through means acceptable to the county shall be ensured.
9. The location, design and size of the proposal are such that the traffic generated by the development can be accommodated safely, without causing congestion on major streets and without requiring the unnecessary traversing of other local streets.

*Performance bonds.*

Cusseta-Chattahoochee County may, as a condition of approval, require a cash bond or surety bond for completion of all or specified parts of the development. The bond shall be in a sum of 100 percent of the estimated cost of the work and conditioned upon the faithful performance of the work specified within the time specified.

*Development standards.*

The maximum allowable density shall be based on the overall land area, excluding public streets, rights-of-way and lands devoted to nonresidential facilities, and shall not exceed the overall density permitted by the applicable zoning district in which the PUD is proposed.

*Distribution of facilities.*

All facilities including off-street parking and loading facilities, usable open space and landscaping, buffering and screening may be located within the development without reference to lot lines or blocks, except the required parking spaces that serve residential development shall be located within 200 feet of the building containing the living units served.

*Waiver of dimensional requirements.*

The minimum lot area, width, frontage and yard requirements and maximum height requirements otherwise applying may be waived or modified for purpose of promoting a unified site plan.

*Coordination with other requirements and procedures.*

The requirements prescribed in the planned unit development regulations are intended to be supplementary to and coordinated with those of other sections of this ordinance and to the requirements of the subdivision regulations, which shall also apply to all planned unit developments which require subdivision review. Subdivision review under the subdivision regulations shall be carried out simultaneously with the planned unit development procedures prescribed hereinafter. The development plans shall be submitted in a form to satisfy requirements of the subdivision regulations for preliminary and final maps.

*General procedures.*

Application for a planned unit development shall be made by the owner of the subject property or by his authorized agent on a form prescribed by the building inspector and shall be filed with such inspector. The application shall be accompanied by such information as is required under this procedure and submitted in a quantity specified by the inspector. The planned unit development procedure shall comprise a two-part process: a development plan review and a final review.

*Development plan review.*

The development plan review shall provide an opportunity for detailed review of proposed developments by Chattahoochee County officials and the general public.

1. *Elements of the process.* The development plan review process includes the following elements: Submission of a detailed development plan by the applicant, a development plan review by various city departments and other public and private agencies and departments as appropriate, public review of a response to the development plan through one or more public hearings, and formal action by the planning commission on the development plan.
2. *Application.* All applicants submitting proposals for a planned unit development shall prepare and submit to the building inspector a development plan within one year from the date of the informational review conference.
3. *Content.* The development plan shall be based on the generalized development plan presented in the informational review. All elements required within the development plan shall be sufficiently detailed to indicate intent and impact. The following shall be included in the development plan:
  - a. An overall development scheme stating the development intentions of the landowner, including but not limited to the following: a statement of location and intensity of proposed uses and activities, a physical description of proposed facilities accommodating such uses, a statement of location and general configuration of lands to be dedicated for public open space and other public use, a general designation of utilities, and a general statement of form of site management proposed for common open spaces and facilities.
  - b. A set of drawings of the entire development, accompanied by narratives as appropriate, indicating: perimeter boundaries of the site; streets and driveways, sidewalks and pedestrian ways and off-street parking and loading areas; location and approximate dimension of buildings and other structures, including activities and the number of living units; reservations for public uses and opens spaces; major landscaping proposals; and renderings clearly establishing the scale, character and relationship of buildings, streets and open spaces.
  - c. A set of maps and statements providing information on the character and

use of the surrounding area within 300 feet of the limits of the proposed development.

4. *Development plan review conference.* Within 15 days of receipt of the completed development plan, a conference will be held between the applicant, the planning commission, the public works department, the building inspector and other departments or agencies deemed appropriate in order to review the development plan regarding compliance of various elements proposed with applicable planning and zoning regulations of the county.
5. *Planning commission public hearing.* Within 40 days but not less than 15 days following the development plan review conference, a public hearing shall be held before the planning commission for formal action on the proposed development. As appropriate, this hearing may include and incorporate any hearing required for compliance with the subdivision regulations. Within 40 days following said hearing. The planning commission shall render a decision. Action taken by the planning commission may be a recommendation of any of the following:
  - a. Approval.
  - b. Conditional approval, wherein certain changes are required, or certain conditions of approval have been imposed, as deemed necessary and desirable in the judgment of the planning commission to ensure conformity to applicable criteria and standards.
  - c. Denial, when the planning commission finds that the proposed development does not meet applicable criteria and standards.
6. *commission of the Unified Government of Cusseta-Chattahoochee County public hearing.* The planned unit development recommendation shall then go before the commission of the Unified Government of Cusseta-Chattahoochee County following the applicable procedures of this ordinance. Action taken by the commission of

the Unified Government of Cusseta-Chattahoochee County shall be deemed final and may be any one of the following:

- a. Approval.
- b. Conditional approval, either as recommended by the planning commission or with other conditions.
- c. Denial.

If approved, such change shall be noted on the zoning map(s) as "PUD" and the development plan shall be on file in the building inspector's office.

#### *Final review.*

Final review enables involved county departments to review the final development plan prior to issuance of applicable permits.

1. *Elements of the process.* Final review includes: submission of the final development plan by the applicant to the building inspector's office for compliance with applicable regulations and codes, and any conditions of approval as appropriate.
2. *Required submission.* Within 18 months of approval of the development plan by the planning commission, the applicant shall file with the building inspector a final development plan for the entire development or, when submission in stages has been authorized by the planning commission pursuant to its review of the development plan, for the first unit or stage of development.
3. *Contents.* The final development plan shall conform in all major respects with the approved development plan. In addition to all elements specified in this ordinance for the development plan, the final development plan shall include, in maps and narratives as appropriate, the following elements:
  - a. The location of water, sewerage and drainage facilities.
  - b. Detailed building and landscaping plans and elevations.
  - c. Character and location of signs.

- d. Plans for street improvements.
  - e. Grading or each moving plans.
  - f. Application for any permits required by Cusseta-Chattahoochee County.
  - g. Legal documents required for the dedication or reservation of group or common open spaces, for the creation of a nonprofit owners association, and/or for performance bonds.
  - h. Changes, if any, as required by the commission of the Unified Government of Cusseta-Chattahoochee County as conditions for approval.
  - i. As appropriate, the final development plan may be submitted concurrently with a final subdivision map and a zone change application.
4. *Noncompliance.* In cases where the building inspector or other official individually or jointly find any major departure from applicable criteria or standards or from the approved development plan, the final development plan shall be found in non-compliance and shall be denied.

*Appeals.*

An appeal from the decision of the building inspector as to noncompliance may be made to the planning commission pursuant to their appeal procedure. In considering such appeal, the planning commission shall determine whether the proposal conforms to the requirements for compliance and may approve or disapprove the application or require such changes as noted by the building inspector or impose such conditions of approval as are in its judgment necessary to ensure compliance to the development plan and such other standards, criteria and regulations considered applicable.

**Sec. 9. Permitted uses in zoning districts.**

The purpose of this section is to present a comprehensive table of all possible uses which may be permitted in the various districts of Cusseta-Chattahoochee County. Classifications noted with an (\*) are referred to as zone specific conditional uses and are subject to approval by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. See [sections] 8.2 and 8.3 for conditional use information

*Uses*

*District*

1. Agriculture:

- |   |  |
|---|--|
| a. Chip mill - permanent                        | A-1*                                     |
| b. Crops (field)                                | A-1                                      |
| c. Dairies                                      | A-1*                                     |
| d. Deer and game processing                     | A-1,* C-1*                               |
| e. Fruits, tree nuts, vegetables                | A-1, R-R, R-1                            |
| f. Greenhouses or plant nursery - commercial    | A-1,* R-R,* R-1,* C-1                    |
| g. Livestock, fish and birds                    | A-1                                      |
| h. Livestock sales pavilion, or farmers' market | A-1,* I-1*                               |
| i. Poultry producers, egg producers             | A-1*                                     |
| j. Produce stands                               | A-1, R-R, R-1,* C-1, C-2                 |
| k. Slaughterhouses, processing plant[s]         | I-1*                                     |
| l. Stable (commercial) (riding)                 | A-1, R-R*                                |
| Horses for private use only                     | A-1, R-R, R-1* (one horse per 2.5 acres) |
| m. Concentrated animal feeding operation        | A-1*                                     |

2. Animal care facilities:

- |  |                      |
|--|----------------------|
| a. Animal hospitals and veterinary clinics | A-1,* R-R,* C-1 C-2  |
| b. Dog grooming shops                      | A-1,* R-R,* C-1, C-2 |

II. *Floating zones.*

*CORD Commercial outdoor recreation development.*

1. A site plan for the total acreage must be submitted to the planning commission for review to ensure consistency with the overall plans for the appropriate development of the county. Final approval of the plan rests with the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.
2. Amendments to the approved site plan must be submitted to the planning commission for review and forwarded to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia for final approval.
3. When [a] CORD abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.
4. A landscaped or naturally vegetated area a minimum of 20 feet wide shall be required on three sides of the property.

*MHU-1 Manufactured housing unit district-parks (mobile home parks).*

Acreage requirements: Manufactured housing unit parks shall be located on a site containing not less than 20 acres and not more than 30 acres.

Area: The area of a park must be of a size to allow an average of 15,000 sq. ft. per manufactured housing unit lot. The entire area designated as MHU-1 must be utilized for placement of MHU's with a minimum density of two units per acre; exclusive for the areas used for utilities and amenities: office, laundry, playground or other public use areas.

Yards: front - 50 feet; rear and side - 25 feet for manufactured housing unit park.

Space front yard: ten feet minimum.

Space side yard: 20 feet between manufactured housing units.

Space rear yard: 25 feet minimum.

Parking: two spaces for each manufactured housing unit.

*Other requirements.*

1. Survey site plan required shall include the following: name and address of owner, vicinity map, with a minimum scale of one inches = 100 feet, north arrow, numbered lots, lot numbers, size of lots, street layout, trash container(s) location, location of all utilities including sewage, unless originally approved with site plans.
2. Streets within mobile home parks will be maintained to the same standard as other streets in the community. Within three years of adoption of this ordinance, streets within current mobile home parks will be maintained with a minimum or gravel. Mobile home parks that are currently paved will be required to maintain that pavement. Streets within mobile home parks created after 2021 will be paved.
3. Each manufactured housing unit space shall be furnished with connections to water, sewer or septic (tank), and electricity utilities; and shall be approved by the appropriate public department, in accordance with state law.
4. Manufactured housing units designed for residential use may not be used for nonresidential use within manufactured housing unit parks, except for the manufactured housing unit park office. Manufactured housing units designed for recreational purposes are allowed.

5. Each manufactured housing unit space may have an accessory building located in the rear yard and such accessory unit shall not be located closer than ten feet to the manufactured housing unit.
6. Trash removal shall be in accordance with the Cusseta-Chattahoochee County Recycling Plan.
7. All owners, operators of said manufactured housing parks shall be responsible for the upkeep within the confines of said park to assure a clean, habitable and sanitary environment.
8. A 20-foot wide buffer strip shall be planted within the 25-foot side and rear yards of the manufactured housing unit park.
9. Skirting. All manufactured housing units shall have suitable skirting between the base of the unit and the ground with suitable ventilation.
10. Anchors. All units shall be provided with anchors as required by state law.
11. Travel trailers. Manufactured housing unit space shall not be used for the accommodation of travel trailers or recreational vehicles under any circumstances.
12. Age of units. The manufactured housing unit to be placed must be certified under the U.S. Department of Housing and Urban Development and as applicable to the Georgia State Fire Marshal's Office and manufactured and not be in excess of 20 years of age when placed in a manufactured home park and not be in excess of ten years of age in other areas of Cusseta-Chattahoochee County.
13. See Manufactured housing unit, section 11.12.
14. Recreational facilities for residents and guests may be provided.
15. Business license to operate a mobile home park is required.

### III. *Planned unit development regulations.*

The purposes of these regulations are to encourage the appropriate development of tracts of land in all zoning districts sufficiently large to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping and working.

#### *Ownership.*

To qualify as a planned unit development (PUD) the tract or tracts of land included in such development must be under one ownership or control or must be the subject of a joint application by the owners of all the property included. The holder of a written option to purchase or any governmental agency shall be deemed to be the owner of such land for purposes of satisfying this requirement. Unless otherwise provided as a condition for approval of a planned unit development, the applicant may divide and transfer units of any development for which approval has been granted, provided that the transferee shall complete each such unit, and use, and maintain it, in strict conformance with the approved development plan.

#### *Review criteria.*

A PUD may be approved only when the following review criteria are met:

1. The proposal shall produce a functional, enduring and desirable environment, with no significant adverse impacts to adjacent properties.
2. The proposal shall be consistent with the plans of Cusseta-Chattahoochee County.



3. The design and site planning shall insure compatibility and harmony with existing and planned uses on adjacent properties. Design elements to be considered include, but shall not be limited to, architectural style, placement of buildings upon land, building heights and bulk, off-street parking, open space, privacy and landscaping.
4. The proposal shall ensure compatibility and harmony with natural features of the site and adjoining properties. Natural features to be considered include, but shall not be limited to, topography, native vegetation, wildlife habitats and watercourses.
5. The location, design and size of the proposal are such that occupants will be adequately served by existing or proposed facilities and services.
6. The proposal shall provide adequate common open space areas free of buildings, streets, driveways, or parking areas. The common open space shall be so designed and located that it is easily accessible to all occupants of the project and is usable for open space and recreational purposes.
7. Off street parking facilities shall provide parking sufficient for occupants of the development and their guests and shall be planned part of the development to minimize exposure and impact on surroundings.
8. Perpetual maintenance of all common land and facilities through means acceptable to the county shall be ensured.
9. The location, design and size of the proposal are such that the traffic generated by the development can be accommodated safely, without causing congestion on major streets and without requiring the unnecessary traversing of other local streets.

*Performance bonds.*

Cusseta-Chattahoochee County may, as a condition of approval, require a cash bond or surety bond for completion of all or specified parts of the development. The bond shall be in a sum of 100 percent of the estimated cost of the work and conditioned upon the faithful performance of the work specified within the time specified.

*Development standards.*

The maximum allowable density shall be based on the overall land area, excluding public streets, rights-of-way and lands devoted to nonresidential facilities, and shall not exceed the overall density permitted by the applicable zoning district in which the PUD is proposed.

*Distribution of facilities.*

All facilities including off-street parking and loading facilities, usable open space and landscaping, buffering and screening may be located within the development without reference to lot lines or blocks, except the required parking spaces that serve residential development shall be located within 200 feet of the building containing the living units served.

*Waiver of dimensional requirements.*

The minimum lot area, width, frontage and yard requirements and maximum height requirements otherwise applying may be waived or modified for purpose of promoting a unified site plan.

*Coordination with other requirements and procedures.*

The requirements prescribed in the planned unit development regulations are intended to be supplementary to and coordinated with those of other sections of this ordinance and to the requirements of the subdivision regulations, which shall also apply to all planned unit developments

which require subdivision review. Subdivision review under the subdivision regulations shall be carried out simultaneously with the planned unit development procedures prescribed hereinafter. The development plans shall be submitted in a form to satisfy requirements of the subdivision regulations for preliminary and final maps.

*General procedures.*

Application for a planned unit development shall be made by the owner of the subject property or by his authorized agent on a form prescribed by the building inspector and shall be filed with such inspector. The application shall be accompanied by such information as is required under this procedure and submitted in a quantity specified by the inspector. The planned unit development procedure shall comprise a two-part process: a development plan review and a final review.

*Development plan review.*

The development plan review shall provide an opportunity for detailed review of proposed developments by Chattahoochee County officials and the general public.

1. *Elements of the process.* The development plan review process includes the following elements: Submission of a detailed development plan by the applicant, a development plan review by various city departments and other public and private agencies and departments as appropriate, public review of a response to the development plan through one or more public hearings, and formal action by the planning commission on the development plan.
2. *Application.* All applicants submitting proposals for a planned unit development shall prepare and submit to the building inspector a development plan within one year from the date of the informational review conference.
3. *Content.* The development plan shall be based on the generalized development plan presented in the informational review. All elements required within the development plan shall be sufficiently detailed to indicate intent and impact. The following shall be included in the development plan:
  - a. An overall development scheme stating the development intentions of the landowner, including but not limited to the following: a statement of location and intensity of proposed uses and activities, a physical description of proposed facilities accommodating such uses, a statement of location and general configuration of lands to be dedicated for public open space and other public use, a general designation of utilities, and a general statement of form of site management proposed for common open spaces and facilities.
  - b. A set of drawings of the entire development, accompanied by narratives as appropriate, indicating: perimeter boundaries of the site; streets and driveways, sidewalks and pedestrian ways and off-street parking and loading areas; location and approximate dimension of buildings and other structures, including activities and the number of living units; reservations for public uses and opens spaces; major landscaping proposals; and renderings clearly establishing the scale, character and relationship of buildings, streets and open spaces.
  - c. A set of maps and statements providing information on the character and use of the surrounding area within 300 feet of the limits of the proposed development.
4. *Development plan review conference.* Within 15 days of receipt of the completed development plan, a conference will be held between the applicant, the planning commission, the public works department, the building inspector and other departments or agencies deemed appropriate in order to review the development plan regarding compliance of various elements proposed with applicable planning and zoning regulations of the county.

5. *Planning commission public hearing.* Within 40 days but not less than 15 days following the development plan review conference, a public hearing shall be held before the planning commission for formal action on the proposed development. As appropriate, this hearing may include and incorporate any hearing required for compliance with the subdivision regulations. Within 40 days following said hearing. The planning commission shall render a decision. Action taken by the planning commission may be a recommendation of any of the following:
  - a. Approval.
  - b. Conditional approval, wherein certain changes are required, or certain conditions of approval have been imposed, as deemed necessary and desirable in the judgment of the planning commission to ensure conformity to applicable criteria and standards.
  - c. Denial, when the planning commission finds that the proposed development does not meet applicable criteria and standards.
  
6. *Commission of the Unified Government of Cusseta-Chattahoochee County public hearing.* The planned unit development recommendation shall then go before the commission of the Unified Government of Cusseta-Chattahoochee County following the applicable procedures of this ordinance. Action taken by the commission of the Unified Government of Cusseta-Chattahoochee County shall be deemed final and may be any one of the following:
  - a. Approval.
  - b. Conditional approval, either as recommended by the planning commission or with other conditions.
  - c. Denial.

If approved, such change shall be noted on the zoning map(s) as "PUD" and the development plan shall be on file in the building inspector's office.

*Final review.*

Final review enables involved county departments to review the final development plan prior to issuance of applicable permits.

1. *Elements of the process.* Final review includes: submission of the final development plan by the applicant to the building inspector's office for compliance with applicable regulations and codes, and any conditions of approval as appropriate.
2. *Required submission.* Within 18 months of approval of the development plan by the planning commission, the applicant shall file with the building inspector a final development plan for the entire development or, when submission in stages has been authorized by the planning commission pursuant to its review of the development plan, for the first unit or stage of development.
3. *Contents.* The final development plan shall conform in all major respects with the approved development plan. In addition to all elements specified in this ordinance for the development plan, the final development plan shall include, in maps and narratives as appropriate, the following elements:
  - a. The location of water, sewerage and drainage facilities.
  - b. Detailed building and landscaping plans and elevations.
  - c. Character and location of signs.
  - d. Plans for street improvements.
  - e. Grading or each moving plans.

- f. Application for any permits required by Cusseta-Chattahoochee County.
  - g. Legal documents required for the dedication or reservation of group or common open spaces, for the creation of a nonprofit owners association, and/or for performance bonds.
  - h. Changes, if any, as required by the commission of the Unified Government of Cusseta-Chattahoochee County as conditions for approval.
  - i. As appropriate, the final development plan may be submitted concurrently with a final subdivision map and a zone change application.
4. *Noncompliance.* In cases where the building inspector or other official individually or jointly find any major departure from applicable criteria or standards or from the approved development plan, the final development plan shall be found in noncompliance and shall be denied.

*Appeals.*

An appeal from the decision of the building inspector as to noncompliance may be made to the planning commission pursuant to their appeal procedure. In considering such appeal, the planning commission shall determine whether the proposal conforms to the requirements for compliance and may approve or disapprove the application or require such changes as noted by the building inspector or impose such conditions of approval as are in its judgment necessary to ensure compliance to the development plan and such other standards, criteria and regulations considered applicable. (U.G. Ord. No. 2008-1, 3-4-2008; U.G. Ord. No. 2013-1, 5-14-2013; U.G. Ord. No. 2022-1, § I, 8-2-2022)

**Sec. 9. Permitted uses in zoning districts.**

The purpose of this section is to present a comprehensive table of all possible uses which may be permitted in the various districts of Cusseta-Chattahoochee County. Classifications noted with an (\*) are referred to as zone specific conditional uses and are subject to approval by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. See [sections] 8.2 and 8.3 for conditional use information

<i>Uses</i>	<i>District</i>
1. Agriculture:	
a. Chip mill - permanent	A-1*
b. Crops (field)	A-1
c. Dairies	A-1*
d. Deer and game processing	A-1*, C-1*
e. Fruits, tree nuts, vegetables	A-1, R-R, R-1
f. Greenhouses or plant nursery - commercial	A-1*, R-R*, R-1*, C-1
g. Livestock, fish and birds	A-1
h. Livestock sales pavilion, or farmers' market	A-1*, I-1*
i. Poultry producers, egg producers	A-1*
j. Produce stands	A-1, R-R, R-1*, C-1, C-2
k. Slaughterhouses, processing plant[s]	I-1*
l. Stable (commercial) (riding) Horses for private use only	A-1, R-R* A-1, R-R, R-1* (one horse per 2.5 acres)
m. Concentrated animal feeding operation	A-1*
2. Animal care facilities:	
a. Animal hospitals and veterinary clinics	A-1*, R-R*, C-1 C-2
b. Dog grooming shops	A-1*, R-R*, C-1, C-2

<i>Uses</i>	<i>District</i>
c. Kennels, (boarding and breeding)	A-1*, R-R*, C-1
3. Automotive and farm equipment: sales and service:	
a. Farm equipment	A-1*, C-1, C-2, I-1
b. Lease and rentals (principal use)	C-1, C-2, I-1
c. Lease and rentals (accessory use)	C-1, C-2, I-1
d. Parking lot or parking garage (commercial)	C-1, C-2
e. Parts and tire store	C-1, C-2, I-1
f. Paint shops	A-1*, C-1, C-2, I-1
g. Repair shop	A-1*, C-1, C-2, I-1
h. Sales	A-1*, C-1, C-2, I-1
i. Service station	C-1, C-2
j. Tire retreading and recapping	I-1
k. Trailer sales	A-1*, C-1, C-2, I-1
l. Upholstery shop	A-1*, R-R*, C-1, C-2
m. Vehicle storage (See "Storage")	
n. Wash service	C-1, C-2, I-1
o. Wrecking or junkyards	I-1*
4. Bars (See "Restaurants"):	
5. Boat: sales and services:	
a. Sales	C-1, C-2
b. Service	C-1, C-2
6. Building materials:	
a. Retail building material establishments	C-1, C-2, I-1
b. Electrical supply stores	C-1, C-2
c. Paint, glass and wall-paper stores	C-1, C-2, I-1
d. Plumbing and heating equipment dealers	C-1, C-2
e. Wood and/or lumber production (saw mill)	A-1*, I-1
7. Communication:	
a. Billboards	C-1*, I-1*, A-1*
b. Broadcasting stations	C-1
c. Telephone business exchange	C-1
d. Transmission towers	A-1*, C-1, I-1
8. Community facilities:	
a. Assembly halls	A-1*, R-R*, R-1*, R-2*, C-1, C-2
b. Cemeteries and mausoleums	See section 7
c. Civic, social and fraternal organizations	A-1*, R-R*, R-2*, C-1, C-2
d. Cultural facilities	C-1, C-2
e. Parks (private)	CORD
f. Public uses	See section 8.2, PUB
g. Recreation centers	See section 8.2, PUB
h. Recreation grounds and facilities (public)	See section 8.2, PUB
i. Swimming pools	A-1*, R-R*, R-1*, C-1, C-2
j. Utility facilities (public)	See section 8.2, PUB

<i>Uses</i>	<i>District</i>
k. Utility substations	See section 8.2, PUB
9. Construction contractors:	
a. General contractor	A-1*, R-R*, R-1*, C-1, C-2, I-1
b. Industrial commercial contractor	C-1, C-2, I-1
10. Education:	See section 8.2, PUB
a. Day care centers, nurseries, and kindergartens	A-1, C-1, C-2, R-R*, R-1*
b. Research and training	A-1, C-1, C-2, I-1
c. Schools-public	See section 8.2, PUB
Private	A-1, C-1, C-2, R-R*, R-1*
11. Housing:	
a. Condominium	PUD, R-5
b. Group home	A-1, C-1, R-R*, R-1*, R-2*, R-3*, R-4*, R-5*
c. Manufactured home	R-R*, R-1*, R-3*
d. Manufactured housing unit park	MHU-1
e. Modular home, single-family (site built) detached	A-1, R-1, R-R, R-2, R-3, R-4, PUD
f. Multiple-family dwelling	PUD, R-5
g. Personal care home	A-1, C-1, R-R*, R-1*, R-2*, R-3*, R-4*, R-5*
h. Single-family attached dwelling	PUD, R-5
i. Townhouse	PUD, R-5
12. Lodging:	
a. Boarding house	A-1*, R-R*, C-1, C-2
b. Bed and breakfast	R-1, C-1, A-1, R-R, C-2
c. Hotel	C-1, C-2
d. Motel	C-1, C-2
e. Travel trailer court	CORD
f. Hunting camps	A-1*
13. Manufacturing:	I-1
14. Printing:	
a. Bookbinding	C-1, C-2, I-1
b. Photoengraving, typesetting, electrotyping and stereotyping	C-1, C-2, I-1
c. Publishing and printing establishments	C-1, C-2, I-1
15. Recreation (commercial entertainment):	
a. Amusement, indoors	CORD
b. Amusement, outdoors	CORD
c. Amusement parks	CORD
d. Carnival, rodeo, horse show, shooting, athletic event or community fair	CORD
e. Driving range	CORD
g[f]. Golf course-9 or 18 hole	CORD
h[g]. Miniature golf course	CORD

<i>Uses</i>	<i>District</i>
i[h]. Parks-campgrounds, camp sites, primitive camps, boat launching sites	CORD
j[i]. Ranges (rifle, shotgun, archer, pistol)	CORD
k[j]. Recreational grounds and facilities (private)	CORD
l[k]. Riding stables	CORD
m[l]. Swimming pools	CORD
n[m]. Tennis centers, clubs and facilities	CORD
o[n]. Theaters	CORD
16. Religious facilities:	
a. Churches	A-1, C-1, C-2, R-R*, R-1*, R-2*
b. Convent or monastery	A-1, C-1, C-2, R-R*, R-1*, R-2*
c. Meetings (temporary)	A-1, C-1, C-2, R-R*, R-1*, R-2*
17. Restaurants:	
a. Alcohol drinking establishments	C-1, C-2
b. Drive-in restaurants	C-1, C-2
c. Restaurants	C-1, C-2
18. Retail trade:	
a. Apparel and accessory stores	C-1, C-2
b. Bicycle sales	C-1, C-2
c. Book and stationary stores	C-1, C-2
d. Camera and photographic supply stores	C-1, C-2
e. Drugstores	C-1, C-2
f. Farm and garden supply stores	A-1*, C-1, C-2
g. Flea market	A-1*, C-1, C-2
h. Florists	C-1, C-2
i. Food stores	C-1, C-2
j. Food stores (including minor manufacturing of food)	A-1*, C-1, C-21-1
k. Furniture, home furnishings and equipment stores	C-1, C-2
l. Gift, novelty, antique and souvenir stores	C-1, C-2
m. Hardware and general merchandise stores	C-1, C-2
n. Hobby, toy and game shops	C-1, C-2
o. Jewelry stores	C-1, C-2
p. Liquor stores	C-1, C-2
q. Merchandise stores (specialized)	C-1, C-2
r. News dealers and newsstands	C-1, C-2
s. Sales of goods (produced and processed on premises)	A-1*, R-R*, C-1, C-2, I-1
t. Sporting goods stores	C-1, C-2
u. Tobacco shop or stand	C-1, C-2
19. Services (personal):	
a. Advertising services (outdoor)	C-1, I-1
b. Artisan	A-1*, R-R*, R-1*, C-1, C-2
c. Barber and beauty shop	A-1*, R-R*, R-1*, C-1, C-2

<i>Uses</i>	<i>District</i>
d. Business service establishments	C-1, C-2
e. Crematories	I-1
f. Dancing school	C-1, C-2
g. Dry cleaning plants and power laundries	I-1
h. Funeral homes	C-1, C-2
i. Health club	C-1, C-2
j. Laboratories	C-1, C-2, I-1
k. Laundries (coin-operated)	C-1, C-2, MHU-1
l. Laundry and dry cleaning pick-up stations	C-1, C-2
m. Linen and diaper services and garment pressing, alteration and repair	C-1, C-2
n. Moving service	C-1, C-2, I-1
o. Photographic studios	C-1, C-2
p. Shoe repair and shoeshine parlors	C-1, C-2
20. Services (repair):	
a. Appliance repair	C-1, C-2, I-1
b. Jewelry repair	A-1*, R-R*, R-1*, C-1, C-2
c. Repair services (light)	A-1*, R-R*, R-1*, C-1, C-2
d. Repair services (heavy)	A-1*, C-1, C-2, I-1
e. Television and radio repair	C-1, C-2
f. Upholstery, furniture	A-1*, C-1, C-2, I-1
21. Services (health):	
a. Clinics	A-1*, R-R*, C-1, C-2
b. Hospitals	C-1, C-2
c. Laboratories	C-1, C-2
d. Offices	A-1*, R-R*, C-1, C-2
e. Pharmacies	C-1, C-2
f. Retirement and convalescent homes	A-1, C-1, C-2, R-R*, R-1*
22. Services (legal)	
a. Offices	A-1*, R-R*, C-1, C-2
23. Services (other professional and business):	
a. Financial institutions	C-1, C-2
b. Offices for accountants, architects, auditors, bookkeepers, engineers	A-1*, R-R*, C-1, C-2, R-1*, R-2*, R-3*, R-4*
c. Offices for finance, real estate and insurance	A-1*, R-R*, C-1, C-2
d. Offices (unclassified)	A-1*, R-R*, C-1, C-2
e. Office parks	C-1, C-2, I-1
24. Storage:	
a. Mini-warehouses	C-1, I-1
b. Scrap [yards] or junkyards	I-1*
c. Storage and maintenance (equipment and vehicle)	I-1
d. Warehousing	I-1



<i>Uses</i>	<i>District</i>
25. Transportation:	
a. Bus stations	C-1, C-2
b. Landing area (rotary wing aircraft)	I-1
c. Railroad yards	I-1
d. Terminal (truck)	I-1
e. Train station	I-1
f. Taxi stands	C-1, C-2, I-1
g. Truck yards	I-1
26. Wholesale trade:	
a. Distribution establishments	I-1
b. Petroleum bulk stations	I-1

(U.G. Ord. No. 2008-1, 3-4-2008; U.G. Ord. No. 2021-3, § I, 9-27-2021)

### **Sec. 10. Determination of unclassified uses.**

In the event an applicant wishes to use property for a use which is not specifically identified under permitted uses or uses permitted subject to the approval of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, and where such use is not specifically prohibited from the district, the following provision shall apply:

1. The building and zoning official shall submit to the planning commission a written request for determination of the unclassified use.
2. If the planning commission determines that the use is of a similar character and meets the intent of the uses permitted within the district, then they shall instruct the building official to issue a permit.
3. In the event that the planning commission determines that the proposed use in the district is consistent with the character and intent of permitted uses which are subject to the approval of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, then the applicant shall apply for a conditional use permit subject to approval in the normal manner.
4. In no event shall the provisions of this section be used to allow an incompatible use or use specifically prohibited by this ordinance within a certain district.
5. Once the use has been allowed or disallowed by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, it shall then be considered classified under the appropriate category in the district.

### **Sec. 11. Supplementary district regulations.**

11.1 *Corner visibility.* On a corner lot in any zoning district nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

11.2 *Off-premises signs.* The following regulations shall apply to all off-premises signs:

1. Off-premises signs are permitted in C-1, I-1, and A-1 zoning districts.

2. Off-premises signs shall be permitted on a standard sign, which does not exceed five feet by ten feet, is constructed of 20-gauge sheet metal painted on each side, and is supported by metal tubing posts of the type specified by the standard building code.
3. There shall be a minimum distance of 800 feet between all off-premises signs.

11.3 *Off-street parking.* In C-1, C-2, and I-1 zoning districts, off-street parking spaces for the storage and parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, or enlarged after the effective date of these regulations, shall be provided as herein prescribed. The remodeling or alteration of present buildings would be exempt from these provisions if (1) the exterior dimensions are not changed and (2) any increase in floor space is confined within the basic structure. Required parking spaces shall be hard-surfaced with asphalt or concrete or other suitable hard surfaces. These spaces shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with these regulations. The owner or owners of a building, structure, or other land use requiring off-street parking space must show, to the satisfaction of the Cusseta-Chattahoochee Planning Commission, that he is the record title holder of the property devoted to said principal land use and of the property proposed for off-street parking use, or that he is the lessee of such property.

11.3.1 *Requirements for off-street parking:*

- A. *Area for parking space.* For the purpose of this section, 300 square feet of lot area shall be deemed a parking space for one vehicle, including access aisle, except that 180 square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space. Handicap parking spaces must conform to ADA requirements with respect to parking space width and length, handicap signs and handicap symbols.
- B. *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including  $\frac{1}{2}$  shall be disregarded and fractions over  $\frac{1}{2}$  shall require one parking space.
- C. *Loading space limitations.* Loading space as required in section 11.4 shall not be construed as supplying off-street parking space.
- D. *Location of parking space for one and two family dwellings.* The off-street facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- E. *Location of parking space for other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet measured in a straight line distance from the front door of the permitted use requiring such off-street parking to the nearest point of the parking facility to the building to be served.
- F. *Usable floor area.* For the purpose of this section, usable floor area in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used by customers, patrons, clients, patients, owners, and tenants, less 20 percent thereof.
- G. *Seating capacity or seats.* As used in this section for parking requirements, shall mean that each 21 inches of seating facilities shall be counted as one seat, except that where specifications and plans filed with the Cusseta-Chattahoochee Planning Commission specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.

- H. *Bed.* Whenever the term "bed" is herein referred to, it shall mean such beds as are occupied by the patients or guests of the hospital or building in questions, provided however, that bassinets and incubators shall not be counted as beds.
- I. *Similar uses and requirements.* In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- J. *Existing off-street parking at effective date of regulations.* Off-street parking existing at the effective date of these regulations which serves an existing building or use, shall not be reduced in size less than that required under the terms of these regulations.
- K. *Collective provisions.* Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately.
- L. *General use conditions.* The requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the street, but such requirement is not designed to provide, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or a nuisance in such area.
- M. *Required barriers.* When off-street parking spaces or access aisles are located adjacent to the right-of-way line of a public street or alley, a concrete or asphalt curb measuring six inches in height shall be placed along the edge of the parking space or access aisle for the purpose of preventing vehicle encroachment onto the street or alley right-of-way.
- N. *Off-street parking in residential districts.* A lot which is zoned R-1 shall not be used as a private drive or private street giving vehicle access to any commercial, office or industrial building.
- O. *Access to unpaved alleys.* It is the policy of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia that the primary means of access to a residential structure should be from a street or paved alley, not from an unpaved alley. To that end the following regulations will apply to construction of a single-family residence or two-family residence on a new lot in a subdivision.
1. When a single-family residence or two-family residence (duplex) is to be constructed on a lot that is adjacent to an unpaved alley, the off-street parking provided for that residential structure shall have direct access to a street. This will not, however, prevent a resident from having access to an unpaved alley for occasional vehicle use.
  2. No structure (utility building, garage, storage building, wall, fence, greenhouse, swimming pool, etc.) or addition to an existing building may be constructed if the structure or addition will impede access between off-street parking spaces and a road. If, however, the adjoining alley (entire length) is paved, then the construction of such a structure or addition will be permitted.
  3. When a single-family residence or duplex is to be constructed on a lot that is adjacent to a paved alley, the off-street parking provided for that residential structure may have direct access to the adjacent paved alley. The off-street parking provided for a multiple family dwelling may have direct access to an alley only if that alley has been paved in accordance with Cusseta-Chattahoochee County's road construction specifications.

4. *Exceptions from the general policy.* Under either or both of the conditions listed below, the county engineer and the Cusseta-Chattahoochee County Planning Commission may jointly allow a single-family residence or duplex to have direct access to an unpaved alley:
  - a. The shape, size or topography of the lot make front yard parking impractical or infeasible.
  - b. The location, size and shape of existing buildings or structures on the lot make front yard parking impractical or infeasible. Aesthetic consideration shall not be sufficient justification to permit authorization of a driveway that does not meet the requirements of this ordinance.
5. In all of the paragraphs above, the term "direct access" refers to a well-defined driveway leading from parking pad to street or alley.

11.4 *Off-street loading requirements.* On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, truck freight terminal, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the street or alleys.

11.4.1 *Requirements for off-street loading and unloading space.* Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten feet by 50 feet, with 15-foot height clearance, and shall be provided according to the following schedule:

<i>Gross Floor Area in square feet</i>	<i>Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Area</i>
5,000 - 50,000	One space
50,000 - 100,000	Two spaces
100,000 - 200,000	Three spaces
Over 200,000	Four spaces

11.5 *Access to streets.* The following regulations shall govern ingress and egress to all lots in all zoning districts:

1. A point of access, i.e., driveway, width for an entrance or exit point, shall not exceed 25 feet in width provided the point of access does not exceed 50 percent of the frontage on the street.
2. The number of access points for each lot shall be governed by the width of lot frontage as follows:

Less than 75 feet	1 access point
75—200 feet	2 access points
More than 200 feet	2 access points plus 1 additional access point each additional 100 feet frontage in excess of 200

3. No two access points on the same lot frontage shall be closer than 30 feet from their nearest edges.
4. Prior to any curb cut or driveway cut, a permit must be obtained from the public works department. If a driveway pipe is requested, the applicant must bear the cost of the pipe and its installation.
5. Where access to a state or federal highway is controlled by regulations other than those stated herein, those rules and regulations shall prevail, whichever is more restrictive.

11.6 *Accessory buildings.* An accessory building may be erected either attached or unattached to a principal building on the same lot (other than a mobile home park). An attached accessory building shall be considered part of the principal building and shall comply with the requirements of the district in which it is located.

11.7 *Drainage.*

1. *Storm sewers:* Storm sewers and drains shall be provided in each subdivision. They shall be designed to carry not less than the stormwater accumulated from a rainfall expected to occur once in 25 years, with a runoff of 90 percent for pavements and buildings and a variable runoff factor depending upon topography or ground for other purposes. Storm drain pipes shall consist of reinforced concrete, bituminous coated corrugated metal or bitumized fiber pipe. The storm sewer system shall be designed and sized to accommodate and provide for future extensions. The entire storm sewer system shall be approved by the county engineer or the duly appointed agent of the commission of the Unified Government of Cusseta-Chattahoochee County prior to its installation.
2. *Drainage swales and ditches:* All drainage swales and ditches must be a minimum of six feet wide with a 4:1 slope on each side. They must be constructed of sod, asphalt or concrete sufficient to prevent erosion.
3. *Driveways, masonry mailboxes:* All driveways shall slope away from streets or roads. No masonry mailboxes will be allowed on roads and streets where the posted speed limit exceeds 30 MPH.

11.8 *Storage of certain vehicles and equipment.* The storage of certain vehicles and equipment (defined as motor vehicles eligible for licensed road use with license plates two years old or older) is prohibited in residential districts for time periods in excess of 72 hours unless such vehicles and equipment are stored in a carport, enclosed building, or behind the nearest portion of a building to a street.

11.9 *Airports.* Proposed public airports shall be so located and of sufficient size to meet Federal Aviation Agency requirements and not constitute a nuisance to surrounding uses.

11.10 *Reserved.*

11.11 *Customary home occupations.* Customary home occupations are allowed in all residential districts provided the home occupation is conducted entirely within a dwelling by the residents thereof, which is secondary to the use of the dwelling for residence purposes and shall be subject to the following conditions:

1. A home occupation shall be limited to the gainful occupation or profession conducted by members of the family residing entirely within the dwelling unit.
2. No external alterations shall be made which are not customary to dwellings.
3. The entrance of the space devoted to customary home occupation may be from within the building or a private outside entrance.
4. One non-illuminated signs having an area of not more than nine square feet is allowed.

11.12 *Manufactured housing unit compatibility.*

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 jurisdiction of the Unified Government of Cusseta-Chattahoochee County.

- (b) *Building inspector* means the person appointed, employed, or otherwise designated by the director of county public works; the county building official or any of his or her assistants; and any licensed home inspector or the county building inspector where the pre-owned manufactured home is located.
- (c) *Certificate of occupancy* means a document issued by the county public works director or his/her designee certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this section, and other applicable zoning ordinances 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 this section 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 county.
- (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 of the Unified Government of Cusseta-Chattahoochee County, Georgia.
- (g) *Manufactured home* means a structure, transportable in one or more sections, which, in the traveling mode, is 16 body feet or more in width or a minimum of 12 feet in width if placed in a (an) MHU-1 Zone 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.*

- (a) *Certification.* 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.
- (b) *Conformity within urban residential districts.* Manufactured homes shall only be permitted in districts R-1 and R-3 where such homes constitute a majority of residences within the surrounding area.

3. *Permitting, inspection, certificate of occupancy and fees.* A permit shall be required to locate a pre-owned manufactured home in the jurisdiction. All permits shall be issued within five days of receipt of all items listed in (a)(1)—(4) of this section.

- (a) *Permit.* To obtain a permit, applicants shall provide to the county public works director or his/her designee:
  - (1) An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this ordinance;

- (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 section and the provisions of Section 11.12 of Ordinance No. 2008-1 except as to age.
  - (3) A \$1,000.00 refundable guarantee of condition bond or \$150.00 refundable cash deposit to be held by the county; 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 all ordinances have been met.
  - (d) *Fee.* A permit and inspection fee of \$50.00 shall be charged to the applicant to cover the cost to the county to process the permit application. The applicant will be responsible for fees by private inspectors and/or out of county building inspectors.
  - (e) *Alternative inspection.* If the manufactured home is outside the Unified Government of Cusseta-Chattahoochee County the building inspector shall inspect a pre-owned manufactured home prior to its being relocated.
  - (f) All of the provisions of Ordinance No. 2008-1 Section 11.12 remain in full force and effect except as to age of the manufactured housing unit.
4. *Minimum health and safety standards.* All preowned 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. The provisions of Section 11.12 of Ordinance No. 2008-1 remains in full force and effect except as to the age of the manufactured 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.]* 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.
- (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.
- (k) All of the provisions of Ordinance No. 2008-1, Section 11.12 shall remain in full force and effect except as to age of the manufactured housing unit.
- (l) *Skirting.* All manufactured housing units shall have suitable skirting between the base of the unit and the ground with suitable ventilation. Suitable skirting shall be made of a sturdy material such as vinyl, concrete blocks, or metal sheets. Vinyl skirting, if used, must be a minimum of 5mm thick and supported by a frame. Wood frame support, if used, must be pressure treated, and a minimum of 24 inches on center. Material used as skirting must be the same kind and color all the way around the home. Skirting must be maintained in good condition.

5. *Enforcement.*

- (a) Permanent connection to utilities shall not be approved until the county public works director or his/her designee 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 county public works director or his/her designee.

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 as provided by Chapter 1, section 1-8 of the Code of Ordinances of the Unified Government of Cusseta-Chattahoochee County. Each day any violation under this ordinance continues shall be considered a separate offense.

11.13 *Swimming pools.* The following regulations shall apply to swimming pools:

Private swimming pools may be established in agricultural and residential zoning districts provided they are to be used solely by the occupants of the property on which it is [they are] located and their guests.

See CORD section 8.4 for commercial swimming pools.



11.14 *Gasoline service stations.* The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all street right-of-way lines a distance of not less than 50 feet, and the canopy of the gasoline building not less than 15 feet to any street right-of-way line. Other yard setbacks shall conform to the zone in which the station is located.
2. Gasoline pump islands shall not be located closer than 15 feet to any street right-of-way line; however, when pump islands are constructed perpendicular to the pavement edge, the pump island shall be located not less than 30 feet from the right-of-way lines. Georgia Department of Transportation regulations take precedence over these requirements for service stations abutting Georgia Department of Transportation right-of-way.

11.15 *Condominium, townhouse, and multi-family housing development.* The following regulations shall apply to all condominium and townhouse development:

1. The applicant shall submit a site plan, front elevation and typical floor plan of the proposed units.
2. Each unit shall be independently served by separated utilities and services and, if multistoried, shall be serviced by interior stairways.
3. Accessory structures shall be located in the rear yard only.
4. No vehicular entrance or curb cut shall be permitted to the front of any individual townhouse or condominium unit.
5. A permit for the construction of condominium or townhouse development shall be issued in accordance with the regulations set forth after evidence has been presented in the form of proposed deed covenants and restrictions requiring the maintenance of jointly owned areas.

11.16 *Inert landfill.* Permits for inert landfills must be approved by the appropriate state agencies. Notifications of adjacent property owners must be made prior to approval by the unified commission of Cusseta-Chattahoochee County. Inert landfills approved by the appropriate state agency for handling such permits and operations will be allowed to operate provided said operation is not expanded. Any such expansion must have all necessary approvals with notifications of intent, to all adjacent property owners.

(U.G. Ord. No. 2008-01, 3-4-2008; U.G. Ord. No. 2010-4, §§ 1—6, 12-7-2010; U.G. Ord. No. 2021-2, 9-7-2021; U.G. Ord. No. 2021-3, §§ II, III, 9-27-2021)

## **Sec. 12. Nonconforming uses of land and structures.**

Except as otherwise provided in this article, a nonconforming use of land or structures existing at the time of enactment of this ordinance may be continued and maintained by its present owner.

12.1 *Alteration or enlargement of structures.* A nonconforming use or structure may not be enlarged beyond its size that existed at the date of the adoption of this ordinance. An appeal from this section may be submitted to the Cusseta-Chattahoochee County Planning Commission.

12.2 *Cessation of use of land or structure.* A nonconforming use of land or structures that has been discontinued for a period of 180 days may not be resumed except in conformity with the regulations of the zoning district in which it is located, unless litigation is pending or an extension has been approved by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.

12.3 *Repairs to nonconforming uses.* Repairs and maintenance to nonconforming uses, whether the result of normal wear and tear or damage, as are required to keep them in sound condition may be made to a nonconforming structure provided no structural alterations shall be made except in conformity with this ordinance or as are required by other laws or ordinances.

### Clarification

If a building is damaged, only the part that is reconstructed will be required to adhere to the Standard Building Code.

12.4 *Substandard lots.* Any lot in a zoning district permitting construction of single-family dwellings which was on record in the office of the clerk of the Superior Court of Chattahoochee County at the time of the adoption of this ordinance, and which does not meet the minimum requirements of this ordinance for lot area and/or lot width, may be utilized for single-family residential purposes. The purpose of this provision is to permit utilization of recorded lots which lack adequate width and/or lot area, so long as reasonable living standards can be provided.

(U.G. Ord. No. 2008-2, § 1, 7-1-2008)

## **Sec. 13. Administration and enforcement.**

### 13.1 *Enforcement.*

The provisions of this ordinance shall be administered in part, and enforced in part, by the Cusseta-Chattahoochee County Building and Zoning Official.

Inspections under this ordinance shall be administered by a qualified disinterested person until, if and when a county building inspector is appointed by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. Prior to the issuance of certificate of occupancy proof of these inspections must be given to the office of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.

### 13.2 *Building permit required.*

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing systems, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Application and supporting documents for a building permit shall be made to the office of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia/Building Official's office on forms provided for that purpose. One copy of the supporting documents (as required in section 13.3) shall remain on file in the office of the building official.

It shall be a violation of this ordinance to commence construction of a building for residential, commercial or industrial use, prior to issuance of a building permit by the office of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia.

The reference building code shall be the current standard building code.

### 13.3 *Certificate of occupancy required for habitable buildings.*

No building for residential, commercial, or industrial use shall be occupied until the owner (or his agent) has been issued a certificate of occupancy by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or its designee.

### 13.4 *Penalties for violation of zoning ordinance.*

Any person, corporation, or legal entity who violates any provision of the zoning ordinance of Cusseta-Chattahoochee County, Georgia shall be issued a notice of ordinance violation stating specific violation(s) and allowing 30 days to respond to the notice of ordinance violation with a plan of action for ordinance conformity.

Ordinance violations shall be tried in the magistrate court in Chattahoochee County, Georgia, upon citation issued by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or its designee.

If at the end of the 30 day period the offender has not come into compliance with this ordinance, such person, corporation or legal entity shall be cited and upon conviction in the magistrate court of this county, shall be fined an amount not to exceed \$500.00 for each violation. Each day such violation continues (without extension of time permitted by the commission of the Unified Government of Cusseta-Chattahoochee County, i.e., specific and extenuating circumstances beyond the violator's control), shall constitute a separate offense and shall subject such person, corporation, or legal entity to the fine specified by this section for each such offense.

Each citation shall state the time and place at which the accused violator is to appear for trial, shall identify the violation with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or its designee who shall complete and serve the citation.

Prosecutions for violations of this ordinance in accordance with this section shall be commenced by the completion, signing and service of the citation by Unified Government of Cusseta-Chattahoochee County or its designee either of whom is authorized by this ordinance to issue citations. A citation shall be personally served upon the accused, and the original shall be promptly filed with the magistrate court.

No person shall be arrested prior to the time of trial for violations under this section, but any person who falls to appear at trial may be arrested thereafter on a warrant of the magistrate and required to post a bond for his future appearance.

### 13.5 Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the building official or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Any person(s) or legal entity(ies) who may have a substantial interest in a final zoning decision of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia may petition to any court of proper jurisdiction for a trial de novo.

## Sec. 14. Variances.

The planning commission may grant a variance in the application of the provisions of the zoning ordinance. The commission may do so only if all of the following findings are made:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, shallowness, or lot size or shape, exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That granting the variance will not result in authorization of a use not otherwise permitted in the district.
4. The planning commission shall establish a reasonable time for hearing of any appeals authorized under this section and shall give at least 15 days' notice of such hearing by publishing the time, date, and location of the public hearing within the county's legal organ, and shall give written notice by regular mail to all parties who are involved with the variance request and adjacent property owners.

Any party aggrieved by any final judgment or decision of the Cusseta-Chattahoochee County Planning Commission, may within 30 days thereafter appeal to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. If the party is still aggrieved the party may appeal to the superior court or court of like jurisdiction. The party must file with such commission a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal such commission shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the case in such court to be tried de novo.

#### **Sec. 15. Amendments and alterations.**

"Amendment" as used in this section means a change in the text of the zoning ordinance or a change in the official zoning map(s) of the county authorized by a zoning decision made only after compliance with the procedures set forth in this section.

1. A proposed amendment to the text may be initiated by the planning commission or may be submitted to the planning commission by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or by any person, or legal entity who owns property within the zoning jurisdiction of the county. Unless initiated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or by the planning commission, all proposed map amendments shall be submitted by the owner of such property or the authorized agent of the owner. An authorized agent shall have written authorization from the property owner, and such authorization shall be notarized and attached to the application.
2. A proposed amendment to the map affecting the same property shall not be submitted more than once every 12 months, beginning with the date of the final decision by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia may at its discretion, reduce or waive the 12-month interval between applications for proposed amendments to the zoning map affecting the same property; however, in the case of an application for a proposed amendment to the zoning maps which was defeated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, there shall be at least a six-month interval between the defeated application and the subsequent application affecting the same property unless the commission shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. The 12-month interval shall not apply to applications for proposed amendments initiated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or by the planning commission, except for applications for proposed amendments to the zoning map(s) which were defeated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, in which case the interval required before a subsequent application may be filed shall be at least six month unless the

commission shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. An initial application to amend zoning conditions may be submitted at any time.

15.1 *Initiation of amendments.* Each proposed amendment to the text or to the official zoning map(s) shall be initiated by filing an application with the office of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. Applications for proposed amendments shall include at least the following information:

1. Applications for proposed amendments to the text shall include the following information:
  - a. Name and address of the applicant;
  - b. Current provisions of the text to be affected by the proposed amendment;
  - c. Proposed wording of the proposed amendment to the text; and
  - d. Reason for proposed amendment.
2. Applications for proposed amendments to the zoning map(s) shall include the following:
  - a. Name and address of the applicant.
  - b. A legal description of the tract(s) proposed to be rezoned.
  - c. Three copies of a plat, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s) prepared by a land surveyor, whose state registration is current and valid. The land surveyor's seal shall be affixed to the plat.
  - d. The present and proposed zoning district for the tract(s).
  - e. The names and addresses of the owner(s) of the land and of the agent(s) for the owners(s), if any.
3. Each application for a proposed amendment shall be submitted at least 50 days prior to the date on which it is to be considered by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia as related to the zoning district requested and the size of the property affected.
4. An applicant may file site plans, renderings, construction specifications, written development restrictions and other zoning conditions which the applicant proposes as binding restrictions upon the development and use of the property that is the subject of the proposed amendment. However, any such zoning conditions shall be filed with the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia at least seven days prior to the public hearing before the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. If any such zoning conditions are proposed by an applicant and have not been filed as required by this subsection, the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, at the time of the public hearing on the proposed amendment, shall defer any action on such proposed amendment to a specific meeting date. The date designated for action on the proposed amendment shall be set at a time which is sufficient to allow the applicant to comply with the filing requirements of this subsection.

15.1.1 *Payment of taxes.* Before any application for rezoning or alteration of the zoning maps shall be accepted for processing all taxes due upon such property as to which said request is made shall be paid in full.

15.2 *Public notification.*

1. *Legal notice.* Notice of public hearings before the planning commission and the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia as required by the section

shall be published within the county's legal organ and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district of said property. Such notice shall be published at least 15 but not more than 45 days prior to the date of the hearing.

2. *Signs posted.* Where application is made for a proposed amendment to the zoning map(s), the applicant shall post a sign not less than four feet by eight feet containing the following information: name of applicant or owner, present zoning district, proposed zoning district, date, time, and location of hearings of the planning commission and of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. This sign must be posted the date the application is filed on the property to be rezoned in a conspicuous place for public view and shall be removed within seven days after a final decision is made.
3. *Letters to abutting property owners.* Where application is made for a proposed conditional use or amendment to the zoning map(s), the commission of the Unified Government or its designee shall notify, by regular mail, the owners, as shown by Chattahoochee County tax records, of abutting property, excluding the Fort Benning Military Reservation, of the property that is subject of the proposed amendment and/or conditional use.

15.3 *Public hearing procedures.* Whenever a public hearing is required by this ordinance or by state law prior to a zoning decision, such public hearing, whether conducted by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or the planning commission, shall be conducted in accordance with the following procedures:

1. The public hearing shall be called to order by the presiding officer.
2. The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
3. All persons who wish to address the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia at a hearing on the proposed zoning decision under consideration by the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall first sign up on a form to be provided by the county prior to the commencement of the hearing.
4. The secretary or his or her designee will read the proposed zoning decision under consideration prior to receiving public input on said proposed zoning decision. Proposed zoning decisions will be called in the order in which they are filed.
5. The secretary or his or her designee shall then call each person who has signed up to speak on the zoning decision then before the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia in order in which the persons have signed to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify him or herself and state his or her current address. Only those persons who sign up to speak prior to the commencement of the hearing shall be entitled to speak, unless two-thirds of the members of the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia present at the hearing allow the person to speak to the zoning decision, notwithstanding the failure of the person to sign up prior to the hearing.
6. Each speaker shall be allowed ten minutes to address the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia concerning the zoning decision then under consideration, unless the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia by two-

thirds of the members of the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia present, prior to or at the time of the reading of the proposed zoning decision, vote to allow additional time in which to address the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia on said proposed zoning decision. The speaker may initially use all of the time allotted to him to speak or he may speak and reserve a portion of his allotted time for rebuttal. One member of the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall be designated as the time keeper to record the time expended by each speaker.

7. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks to the members of the Planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
8. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.
9. Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed. The planning commission shall then convene its business session to consider the proposed amendment (zoning decision) and shall, at that time, take action on its recommendation to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. At the close of the public hearing before the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, the commission shall immediately convene its business session and consider the recommendation for the zoning decision and take action on the proposed amendment.

#### 15.4 *Planning commission public hearing and action.*

1. All applications for proposed amendments shall be reviewed by the planning commission in a public hearing in accordance with the procedures set forth in section 15.3.
2. The planning commission shall review and consider a recommendation to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia with respect to the application for a proposed amendment. The planning commission may decide not to make a recommendation, or it may make any of the following recommendations with respect to an application for a proposed amendment: approval, denial, deferral, withdrawal (with consent of applicant), change of the zoning district requested, or imposition of zoning conditions. If no recommendations are decided by the planning commission, then it shall report to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia that it makes no recommendation on the application.
3. The planning commission shall submit its recommendation or report of no recommendation on an application for a proposed amendment to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia prior to the scheduled public hearing in which the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia will consider the application for a zoning decision. If the planning commission fails to submit a recommendation or report prior to the public hearing, the planning commission's recommendation shall be deemed to be one of approval.

15.5 *Commission of the Unified Government of Cusseta-Chattahoochee County, Georgia public hearing and action.*

1. Before taking action on a proposed amendment and after receipt of the planning commission recommendations or reports thereon, the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall hold a public hearing on the proposed amendment.
2. So the purpose of this zoning ordinance will be served and so that the health, safety and general welfare will be secured, the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia in its decision on the application for a proposed amendment, may in its legislative discretion, approve or deny the application for proposed amendment as submitted, defer a decision until a specific meeting date, require applicant to file a site plan or other plans regarding the project development and defer action to a later meeting date, or allow a withdrawal of the application by the applicant, if requested. The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall determine whether the withdrawal shall be subject to the 12-month interval before refileing. The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia may also require that the land area for such application for proposed amendment is made be reduced, that the zoning district changed be to one other than that requested, or that zoning conditions be added or deleted, as the commission deems appropriate.

15.6 *Zoning standards.* Whenever Cusseta-Chattahoochee County shall exercise its zoning power, the following standards are considered relevant in balancing the county's interest in promoting the public health, safety, or general welfare against the right to the unrestricted use of property:

1. Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent or nearby property;
2. Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;
3. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;
4. Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
5. Whether the zoning decision conforms with the policy and intent of an adopted land use plan; and
6. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning decision.

(U.G. Ord. No. 2012-2, 1-1-2012)

## **Sec. 16. Alteration of zoning conditions.**

16.1 *Minor alterations approval.* The building official, while conforming to state and federal DOT requirements, shall have the authority to approve the following minor alterations of zoning conditions provided such alteration would not change the purpose intended for such zoning condition and would not adversely affect county services or other property.

1. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
2. Parking design; and
3. Utility relocation.



**Sec. 17. Amendments of zoning conditions.**

An owner of property or his authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. Such application shall be processed in accordance with the same procedures as those required for applications for proposed amendments to the zoning map(s) as provided in section 15.1 of this article.

**Sec. 18. Fees.**

Fees for applications related to matters pertaining to the zoning ordinance are as established by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia and posted in the building department.

**Sec. 19. Legal status.**

19.1 *Interpretation.* In the interpretation and application of the zoning ordinance of Cusseta-Chattahoochee County, Georgia, the provisions shall be considered minimum requirements adopted for the promotion of the public health, safety, and general welfare of the citizens of Cusseta-Chattahoochee County. Where the provisions of this ordinance require or impose more restrictive standards than are required by any other ordinance or law, the provisions of this ordinance shall control. Where the provisions of any other ordinance or law require more restrictive standards than are required by this ordinance, the provisions of such other ordinance or law shall control.

19.2 *Saving clause.* If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

19.3 *Repeal of conflicting ordinances.* All ordinances or parts of any ordinance in conflict with any of the provisions of the zoning ordinance of Cusseta-Chattahoochee County, Georgia are hereby repealed.

19.4 *Effective Date.* This ordinance replaces all previous zoning ordinances and shall take effect on January 7, 2004.



## APPENDIX B

### SUBDIVISION REGULATIONS\*

#### Section 1. General Provisions

- (A) Title.
- (B) Declaration of policy.
- (C) Purposes.
- (D) Authority and adoption.
- (E) Jurisdiction.
- (F) Fees.
- (G) Enforcement and violations.

#### Section 2. Definition of Terms

#### Section 3. Procedures for Securing Approval of Subdivisions

- (A) Introduction.
- (B) Nonresidential subdivisions.
- (C) Optional pre-application procedure.
- (D) Submission of preliminary plat.
- (E) Submission of construction plans.
- (F) Submission of final plat.

#### Section 4. General Requirements and Minimum Standards of Design and Construction

- (A) General requirements.
- (B) Street layout.
- (C) Street design standards.
- (D) Blocks.
- (E) Lots.
- (F) Buffer strips.

#### Section 5. Roadway and Subdivision Specifications

- Sec. 1. Street design, standards, easements, drainage, etc.

#### Section 6. Administration

- (A) Exceptions.
- (B) Variances.
- (C) Amendments.
- (D) Appeals.
- (E) Separability.

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\***Editor's note**—Printed herein are the Subdivision Regulations of Cusseta-Chattahoochee County, Georgia, which were adopted on September 4, 2012, effective October 9, 2012, as the Subdivision Regulations of Chattahoochee County, Georgia. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. Additions for clarity are indicated by brackets.

**Cross references**—Buildings and building regulations, ch. 8; zoning, App. A.

UNIFIED GOVERNMENT CODE

- (F) Conflict with other regulations.
- (G) Fees.

**Section 7. Effective Date**

**SECTION 1. GENERAL PROVISIONS****(A) Title.**

These regulations shall hereafter be known, cited and referred to as the Subdivision Regulations of Unified Government of Cusseta-Chattahoochee County, Georgia.

**(B) Declaration of policy.**

It is declared to be the policy of the Board of Commission of the Unified Government of Cusseta-Chattahoochee County to consider land subdivision plats as part of its program for the orderly, efficient and economical development of the Unified Government of Cusseta-Chattahoochee County. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood, or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system properly related to the proposals shown on the Comprehensive Plan, and shall be of such width, grade, and location as to accommodate the prospective traffic to facilitate fire protection and to provide access of fire-fighting equipment to buildings.

**(C) Purposes.**

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety and general welfare.
- (2) To encourage the development of economically sound and stable land developments.
- (3) To assure the provision of required streets, utilities, and other facilities and services to land developments. developments.
- (4) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments.
- (5) To assure, in general, the wise development of new areas in harmony with the Comprehensive Plan of the community.
- (6) To assure coordination of improvement plans and programs within the Unified Government of Cusseta-Chattahoochee County.
- (7) To assure proper legal description, identification, documentation, and recordation of real estate boundaries. boundaries.
- (8) To assure equitable handling of all subdivision plats by providing uniform standards and procedures. procedures.
- (9) To protect individuals from buying lands which are not suited for intended purposes because of lot size, access or flood hazards. lot size, access or flood hazards.

**(D) Authority and adoption.**

(1) These subdivision rules and regulations are adopted as an ordinance by the Board of Commission of the Unified Government of Cusseta-Chattahoochee County.

(2) The Planning Commission of the Unified Government of Cusseta-Chattahoochee County shall be the official platting authority, and no plat of land subdivision shall be entitled to record in the Office of the Clerk of Superior Court of the Unified Government of Cusseta-Chattahoochee County unless it shall

have the approval of the Planning Commission inscribed thereon. The filing of a plat of a subdivision without the approval of the Planning Commission as required by this ordinance is declared to be a misdemeanor.

**(E) Jurisdiction.**

(1) These subdivision regulations shall apply to all subdivisions of land, as described herein, located within the Unified Government of Cusseta-Chattahoochee County, Georgia.

(2) No developer shall proceed with any construction work on a proposed subdivision, including grading, before obtaining preliminary plat approval from the Planning Commission as certified thereon, and approval of construction plans and profiles by the County Engineer.

(3) No land dedicated as a public street or other public purpose shall be opened, extended or accepted as a public street or for any other purpose, and no subdivision of land shall be made, nor shall any subdivision plat or part thereof be recorded before obtaining approval from the Planning Commission. All public streets shall be subject to the approval of the Unified Government of Cusseta-Chattahoochee County Board of Commission. Said approval shall be entered in writing on the final plat prior to filing such plat with the Clerk of Superior Court of the Unified Government of Cusseta-Chattahoochee County, Georgia.

(4) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations.

**(F) Fees.**

Unified Government of Cusseta-Chattahoochee County has established the following schedule of fees to cover costs associated with the inspection and review of subdivision development. The total fee is dependent on the size and type of subdivision. The schedule below is a guide to the charges that will be incurred by the developer at a minimum. The developer is responsible for all charges, including inspection and testing, incurred by the County during the subdivision approval process. The fee schedule is as follows:

**Development Fees for Subdivisions and Planned Unit Developments:**

*Preliminary Plan Submission (Site Plan Review):* \$500.00 or \$10.00 per lot, whichever is greater.

*Construction Plan Submission and Review:* \$2,500.00 plus engineering (cost to be paid by developer).

*Final Plan Submission and Review:* \$2,500.00.

*DRI Review:* \$350.00.

*Plan Review Cost for Commercial Construction* is  $\frac{1}{4}$  of the permitting fees.

**Permitting Fees:**

*Residential Land Development:*

*2—49 acres:* \$300.00 flat fee plus \$150.00 per acre;

*50 or more acres:* Add \$10.00 per acre.

*Commercial Land Development:* \$200.00 plus \$30.00 per acre.

*Electrical Permit:* \$50.00.

*Plumbing Permit:* \$50.00.

*Mechanical / HVAC Permit:* \$50.00.

*Decks:* \$25.00 flat fee.

**(G) Enforcement and violations.**

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to any or all of the enforcement actions and remedies described in this section.

1. *Stop Work Order.* The County Building Inspector or other County designee, upon learning or discovering a violation of this ordinance or any approved site plan or permit issued pursuant to this ordinance, may immediately issue a stop work order which shall be posted on the job site and mailed to the applicant shown on the permit or approved site plan. In cases where the County Building Inspector or other County designee discovers that a violation is clearly imminent, he may issue a "cease and desist" order to prevent such a clearly imminent violation from occurring. Such a "cease and desist" order shall have the same effect as a stop work order.

The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

2. *Notice of Violation.* Prior to or concurrent with the issuance of a Stop Work Order, if the County Building Inspector or other County designee determines that an applicant or other responsible firm, person or corporation has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, he shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the required permit, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.
3. *Content of Notice of Violation.* Notices of violation shall contain the following:
  - (1) The name and address of the owner or the applicant or the responsible person;
  - (2) The address, or other description of the site, upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action, and a date set forth for completion of remedial measures, after which further enforcement action will be taken; and
  - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

In preparing notices of violations, the County Building Inspector or other County designee is authorized to require, as remedial measures, the restoration of land or property disturbed to its original condition or to undertake mitigation in another location where irreversible damage has occurred.

4. *Failure of Remedial Measures.* In the event that the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more actions or penalties described in this section as appropriate may be taken or assessed against the person to whom the notice of violation was directed.
5. *Suspension, Revocation or Modification of Permit.* The County Building Inspector or other County designee may suspend, revoke or modify any permit or approval authorizing an activity or land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the enforcement officer may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
6. *Withholding of Utility Service.* The County Building Inspector or other County designee may request or direct any utility service provider to withhold utility service to any property on which a violation has occurred. The County Building Inspector or other County designee shall have authority to issue citations and to prosecute violations before a court of competent jurisdiction. Violations of ordinances in the County may be tried upon citation with or without a prosecuting attorney as well as upon accusations.
7. *Civil Penalties.* Any person, firm, or corporation violating, neglecting, or refusing to comply with any of the provisions of this ordinance, or any site plan approval or permit issued pursuant to this ordinance, shall be guilty of a misdemeanor. Any violation or any such provision of this ordinance shall be punished by a fine not exceeding \$1,000.00, by imprisonment not exceeding six months, or by a combination of such punishments. Each day any violation of this ordinance continues shall constitute a separate offense.
8. *Complaints.* Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state clearly and fully the causes and basis of the complaint and shall be filed with the County Building Inspector or other County designee. The County Building Inspector or other County designee shall properly record such complaint, investigate, and take action thereon as may be appropriate to enforce this ordinance.



**SECTION 2. DEFINITION OF TERMS**

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated. Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated association, and a partnership, as well as an individual. The word "building" shall be construed as if followed by the words "or part thereof." The word "street" includes road, highway, boulevard, and lane; and "watercourse" includes drain, ditch, and stream. The words "shall" or "will" are mandatory, the word "may" is permissible.

- (1) Access. Deeded portion of property or lot that provides travel way to a city, county, or state road. All access must have a 60 foot minimum width from the city, county, or state road to the building site. (Exclusions to this requirement can be found in section 5-6.)
- (2) Applicant. The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- (3) Application Assembly. The packet of materials that the developer is required to submit with his or her application for proposed plat approval.
- (4) Block. A piece or parcel of land entirely surrounded by public streets or by other man-made or natural boundaries such as railroad tracks or waterbodies.
- (5) Board of Commission. The legislative body of the Unified Government of Cusseta-Chattahoochee County, Georgia.
- (6) Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.
- (7) Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters, and similar fixtures, and the property line when measured perpendicular thereto.
- (8) Comprehensive Plan. Comprehensive Plan adopted in 2007 by the Board of Commission of the Unified Government of Cusseta-Chattahoochee County.
- (9) Construction Plans. Plans detailing the design and requirements for the construction of public improvements. These plans shall detail such items as the location of all existing and proposed roads, plan and profiles of all roads, curve data, hydraulic data, etc. (See section 5 for complete list of items required.)
- (10) Corner Lot. A lot which occupies the interior angle at the intersection of street lines.
- (11) County. The County of the Unified Government of Cusseta-Chattahoochee County.
- (12) County Administrator. The duly designated Administrator or Clerk of the Unified Government of Cusseta-Chattahoochee County.
- (13) County Commission. The County Commission of the Unified Government of Cusseta-Chattahoochee County.
- (14) County Engineer. An engineer, licensed and registered in Georgia, retained by the Unified Government of Cusseta-Chattahoochee County to perform the duties of County Engineer as therein specified.
- (15) County Specifications. All construction specifications which are included in these regulations and any special specifications required by the County Engineer or other state or local entity based upon the particular development.

- (16) Cul-de-sac. A street intersecting another street at one end and permanently terminated by a vehicular turn-around at the other. A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (17) Day. A calendar day.
- (18) Dedication. The transfer of property from private to public ownership.
- (19) Depth of Lot. The mean horizontal distance between the front and rear lot lines.
- (20) Developer. The owner of land proposed to be subdivided or any person, firm, corporation, syndicate or other entity designated by the legal owner as his or her representative who subdivides or develops any land deemed to be a subdivision as herein defined.
- (21) Development. The design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning construction of public streets and public roads, and the placement of utilities, and any other applicable construction or improvement required or included in a certain subdivision project.
- (22) Double Frontage Lot. A continuous (through) lot of the same depth as the width of a block containing two tiers of lots which is accessible from both of the streets upon which it fronts.
- (23) Driveway. A minor private way used by vehicles and pedestrians for access to a single lot.
- (24) Dwelling Unit. A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking, sleeping, and sanitary facilities.
- (25) Easement. A grant by the property owner for use, by the public, corporation, or a person, of a strip of land for specified reasons, or as created by operation of law.
- (26) Engineering As-Built Plan. A post construction record giving details of construction and locations of improvements as they were built or installed.
- (27) Final Plat. A complete and exact subdivision plan which meets the requirements of these regulations prepared for official recordation as required herein in the office of the Clerk of Superior County of the Unified Government of Cusseta-Chattahoochee County.
- (28) Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers or other waters.
- (29) Flood Plain Area. The area or low land adjacent to the channel of a river, stream, watercourse, lake or other body of water that is susceptible to periodic inundation. (the Unified Government of Cusseta-Chattahoochee County Flood Damage Prevention Ordinance restricts development in the 100-year flood plain, which refers to the land that would be inundated by a flood resulting from a storm that, on the average, has a one percent chance of occurring in any given year.
- (30) Floodproofing. Any combination of structural or nonstructural additions, or changes or adjustments which reduce or eliminate flood damage to real property, (or improved real property), water supply, and sanitary sewer facilities, electrical systems, and structures and their contents.
- (31) Floodway. See ordinance No. 2010-2 "Flood Damage Prevention Ordinance" located within Areas of Special Flood Hazard Established in Article 2, Section B, Ord. No. 2010-2, are areas designated as floodway. Encroachments are prohibited. The stream channel and the portion of the adjacent flood plain which must be reserved solely for the passage of flood-waters in order to prevent an increase in upstream flood heights of more than one foot above the predevelopment conditions. For the purpose of these regulations, floodways shall be defined and governed by the County's Flood Damage Prevention Ordinance.

- (32) Group Development. A subdivision of land consisting of two or more buildings, sites, or units which is not subdivided into customary lots, blocks or streets and thus is contained on one common parcel. This type of development shall not only be on a common parcel but shall also have a common owner who shall be responsible for all infrastructure and drainage within the development. A building footprint shall be the maximum boundary allowed to be transferred, sold or leased in this type of development.
- (33) Health Department. West Central Georgia Regional Health District or the Unified Government of Cusseta-Chattahoochee County Health Department.
- (34) Land Subject to Flooding. For the purpose of these regulations, land subject to flooding shall be defined in the County's Flood Damage Prevention Ordinance.
- (35) Licensed Engineer. An engineer properly licensed and registered in the State of Georgia in good standing with the Georgia State Board of Registration for Engineers and Land Surveyors.
- (36) Licensed Inspector. The person or persons appointed by the County Commission to enforce the County's subdivision regulations.
- (37) Licensed Land Surveyor. A land surveyor properly licensed in the State of Georgia in good standing with the Georgia State Board of Registration for Land Surveyors.
- (38) Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, whether immediate or future, or lease to, or separate use of, another, or for building development. The word "lot" includes, but is not limited to, the words "plot" or "parcel", "tract".
- (39) Lot Area. The area contained within the property lines of the individual parcels of land as shown on a subdivision plat, excluding space within any street right-of-way, but including the area of any easement.
- (40) Lot Remnant. A portion of land below the minimum lot size as prescribed for the zoning district in which it is located.
- (41) Marginal Access. A service road or other treatment used to provide adequate protection of properties in cases where arterial runs through or near a subdivided area.
- (42) Monument. A permanent object serving to indicate a limit or to mark a boundary.
- (43) Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in, the land sought to be subdivided under these regulations.
- (44) Owner's Engineer. The licensed engineer who is the agent of the owner or developer of land which is proposed to be subdivided or which is in the process of being subdivided.
- (45) Permit to Develop. An instrument issued by the County Engineer following the approval of construction plans by the Planning Commission and which authorizes the developer to proceed with the development of the subdivision.
- (46) Planning Commission. The Unified Government of Cusseta-Chattahoochee County Planning Commission.
- (47) Preliminary Plat. A tentative subdivision plan indicating the proposed layout of subdivision as required herein.
- (48) Public Road. A street or road that has been constructed for public use, established by statutory proceedings, or dedicated for public use. A public road may or may not be a county road.
- (49) Resubdivision. A combination or recombination of previously recorded lots or tracts of contiguous land for the purpose of creating new lots. A change in a map of an approved or recorded

subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

- (50) Reverse Frontage Lot. A lot extending between and having frontage on an expressway or arterial, and a minor or local street, with vehicular access solely from the latter.
- (51) Single Tier Lot. A lot which backs upon a limited access highway, railroad, physical barrier, major arterial, or nonresidential use, and to which access from the rear of the lot is usually prohibited.
- (52) Sketch Plan. A freehand drawing of a proposed subdivision.
- (53) State Road. Public road owned or maintained by the State of Georgia.
- (54) Street. A way for vehicular traffic whether designed as a street, highway, thoroughfare. Road, avenue, boulevard, lane, place, or however otherwise designated. Streets are classified as follows:
- (56) Street, Arterial. A road or street that accommodates a high volume of traffic. Access may be limited and signalization may be used to maximize traffic flow. Highest order or street classification. Received collector streets.
- (56) Street, Collector. A street supplementary to the major state and U.S. Highway Systems running throughout the County and primarily a means of interconnection between this system and smaller areas.
- (57) Street, Cul-de-sac. A short street designed to have one end permanently closed. The closed end is terminated by a vehicular turnaround.
- (58) Street, Dead-end. A street having no outlet at one end.
- (59) Street, Highway, Road. A road or street that forms a part of the existing or projected Federal Aid Highway System or the State or County Highway System.
- (60) Street, Local. A street, the principal purpose of which is to provide vehicular access from properties abutting it to a collector street.
- (61) Street, Major Collector. A street or highway of considerable continuity which is primarily a traffic artery for interconnection among large areas designed to carry heavy volumes of traffic.
- (62) Street, Minor Collector. A street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting streets.
- (63) Street, Parallel Access. A (service) street which parallels, and is immediately adjacent to, a major street or highway, and provides access to abutting property while providing control of access to the major street.
- (64) Street, Private. A road or street that is not publicly owned and maintained which is used for access by the occupants of a development, their guests, and the general public.
- (65) Street, Public. See Public Road.
- (66) Street Centerline. The line surveyed and documented or accepted by the Unified Government of Cusseta-Chattahoochee County as the centerline of the street; or in the event no centerline has been so determined, the line running midway between, and generally parallel to the direction of the outside right-of-way lines of the street.
- (67) Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, develops, or offers to sell,

lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is employed by or directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

- (68) Subdivision. Division of a tract or parcel of land into two or more lots, tracts, parcels, or other divisions of land for the purpose, whether immediate or future, of sale or building development. The following shall not be considered subdivisions within the meaning of this ordinance:
- (a) Any subdivisions or further subdivision of an existing tract, parcel or lot into more than one and less than five lots, for the purpose, whether immediate or future, for sale, legacy or building development; which will not involve the construction of any new public streets, publicly developed drainage ways, or the extension of public utilities, and is not in conflict with the Unified Government of Cusseta-Chattahoochee County Comprehensive Plan, subdivision regulations, the county zoning ordinance, or other applicable regulations as officially adopted.
  - (b) Divisions of property for testamentary or intestate provisions, or upon court order, including but not limited to judgments of foreclosure if the resultant lots meet the standards of the Unified Government of Cusseta-Chattahoochee County Zoning Ordinance.
  - (c) Consolidation of existing lots by deed or other recorded instrument.
  - (d) Divisions of property owned by multiple owners where the property is to be deeded individually to several owners and otherwise complies with this ordinance and the Unified Government of Cusseta-Chattahoochee County Zoning Ordinance.
- (69) Subdivision—Exempt. Any division of land not classified as a subdivision.
- (70) Subdivisions—Major. Any subdivision not classified as a minor subdivision herein, including all divisions of a tract or parcel of land into more than four lots, building sites or other divisions for the purpose of immediate or future sale, legacy or building development and includes all division of land into two or more lots involving a new street or a change in existing streets.
- (71) Subdivisions—Minor. The following shall be deemed minor subdivision:
- (a) Any subdivisions or further subdivision of an existing tract, parcel or lot which will not involve the construction of any new public streets, publicly developed drainage ways, or the extension of public utilities, and is not in conflict with the Unified Government of Cusseta-Chattahoochee County Comprehensive Plan, these regulations, the County Zoning Ordinance, or other applicable regulations as officially adopted.
  - (b) Where a building exists on each proposed lot, tract, parcel, site, or plot of land in the subdivision, provided that the owner certifies on the plat that all such existing buildings were constructed prior to the adoption of these Regulations, and that such plat is submitted to the Planning Commission for a full staff review which shall be noted on the plat.
  - (c) Where the combination or recombination of portions of previously platted lots where the total number of lots, tracts, parcels, sites, or plots of land is not increased and the resultant lots, tracts, parcels, sites, or plots of land are equal to the standards of this ordinance, the Zoning Ordinance, or other applicable regulations or ordinances as officially adopted by the County.
- (72) Surety. Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the Unified Government of Cusseta-Chattahoochee County Commission or their authorized agent.

- (73) Surface Drainage Plan. A drawing showing all present and proposed grades and facilities for storm water drainage.
- (74) Variance. Permission to depart from the literal requirements of these subdivision regulations by virtue of unique hardship due to special circumstances regarding property to be developed. A waiver of the strictest letter of the regulations upon substantial compliance without sacrificing the spirit and purpose of the regulations.
- (75) Watercourse. Any depression serving to give direction to a flow of water, having a bed and defined banks. The definition shall also include other generally or specifically designated areas where flooding may occur, The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.
- (76) Width of Lot. The mean horizontal distance between the two side lot lines.  
(U.G. Ord. No. 2016-2, §§ I, II, 8-2-2016)

**SECTION 3. PROCEDURES FOR SECURING APPROVAL OF SUBDIVISIONS****(A) Introduction.**

Whenever any subdivision of land is proposed to be made, or before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, or before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer or his duly authorized agent, shall apply for approval of such proposed subdivision in accordance with the following procedures.

**(B) Nonresidential subdivisions.**

1. *General.* If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the Planning Commission may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the Comprehensive Plan, Official Map, and Zoning Ordinance.

2. *Standards.* In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- a. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- b. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- c. Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
- d. Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and storm water drainage.

**(C) Optional pre-application procedure.**

(1) At his option, a developer may prepare a sketch plan of the proposed subdivision for review by the Planning Commission and County Engineer. The sketch plan should include the tentative layout of streets, the total acreage of the proposed development and the approximate number of acres to be devoted to each land use if more than one land use is being considered. The sketch plan should also include the approximate number and size of lots, any unusual topographical features, such as watercourses, ground water recharge area wetlands; and any and all areas located within the flood hazard areas as defined in the Flood Plain Ordinance of the Unified Government of Cusseta-Chattahoochee County, Georgia.

(2) The sketch plan and all discussions regarding it will be considered as being confidential between the developer and the Planning Commission and County Engineer.

(3) Favorable consideration by the Planning Commission under no circumstances shall be construed as preliminary or tentative plat approval.

**(D) Submission of preliminary plat.***(1) Application.*

- a. Prior to filing of an application for the approval of a final plat which includes the dedication and acceptance of a new public street or other public improvement, the developer shall file an application for consideration of a preliminary plat of the proposed subdivision
- b. The subdivider or his agent shall submit at least six black or blue line prints drawn at a scale no smaller than 100 feet to one inch of the proposed subdivision to the Planning Commission for its review. The Planning Commission may send one copy to the County Engineer for informational and review purposes.
- c. Preliminary plats shall be submitted to the County a minimum of 30 days prior to the next regularly scheduled Planning Commission meeting.

*(2) Information to be Submitted.* Preliminary plats shall, at a minimum, show the following:

- a. Proposed subdivision name or identifying title.
- b. Name of the owner of the land to be subdivided or his authorized agent (if any), name of adjacent property owners or subdivisions and of the developer, if other than the owner of the land.
- c. Date, north point, scale, and identification of land district and land lots.
- d. Existing streets, whether such streets are public or private, utilities, easements, watercourses, and structures on the tract.
- e. Lot and/or block numbers in consecutive order.
- f. Total number of lots and acreage in proposed development.
- g. Contours drawn at five foot intervals or as may otherwise be approved by the Planning Commission.
- h. Any and all land located within a flood hazard area as defined in the Flood Plain Ordinance of the Unified Government of Cusseta-Chattahoochee County, Georgia, ground recharge area and wetlands, as defined by the Georgia Department of Natural Resources.
- i. A sketch of the prospective future street system of the unsubmitted part when the preliminary plat submitted covers only a part of the developer's entire holdings and whether such street systems will be public or private
- k. Developer letter stating that the proposed plat is being submitted for review. This letter shall state the developer's intent as to the final ownership of any new roads included on the proposed plat, if applicable.

*(3) Planning Commission Review of Preliminary Plats.* Before acting on the preliminary plat, the Planning Commission may request a report from any person or agency directly concerned with the proposed development such as the District Highway Engineer, the County Engineer, West Central Georgia Regional Health Department, the County Water Superintendent, the Superintendent of Schools, and public utility companies. Such reports shall certify compliance with or note deviations from the requirements of these regulations and include comments on other factors affecting the public interest. The Planning Commission is responsible for securing said reports.

*(4) Preliminary Plat Approval.*

- a. A preliminary plat can only be reviewed by the Planning Commission if the preliminary plat has been properly placed upon the agenda. At a regularly scheduled meeting the Planning Commission shall take action on a preliminary plan to either approve, (with or without) modifications,



disapprove, or table until the next regularly scheduled Planning Commission meeting. A preliminary plat shall be tabled by the Planning Commission only if the Planning Commission finds that more information is needed prior to Planning Commission action. A preliminary plat may be tabled only one time unless substantial new information is presented at the subsequent meeting.

- b. If the Planning Commission disapproves or approves conditionally the preliminary plat, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the regulations with which the preliminary plat does not comply. Notification shall be prepared by the Planning Commission staff and forwarded to the applicant.

**(E) Submission of construction plans.**

(1) After obtaining approval of the preliminary plat, the developer or his agent shall submit six black or blue line prints (or a number as specified by the County Engineer) of construction plans as outlined below to the County Engineer for his review. Sanitary sewer systems are under the jurisdiction of the West Central Georgia Regional Health District and plans shall be submitted to that department as required by law or as is otherwise necessary to obtain final plat approval as required herein.

(2) Detailed construction plans shall be prepared by an engineer registered and licensed in the State of Georgia and shall be prepared in accordance with the design specification set forth in these regulations.

(3) Construction plans shall, at a minimum, consist of the following:

- a. A field measured topographic map drawn at two foot intervals showing existing and proposed contours.
- b. Layout plans and centerline profiles for each proposed public street or private street extension.
- c. Layout and profiles of storm drain pipes and structures along with information on any adjacent property such as, but not limited to, topography and structures which might affect the design of the aforementioned utilities.
- d. Design specifications for any bridges or culverts which might be incorporated into the proposed subdivision.
- e. Design specifications for sanitary sewer systems as required by the West Central Georgia Regional Health District.
- f. Results and locations of percolation test for on-lot sewage systems.
- g. Complete curve data for all horizontal and vertical curves. To include delta angle, radius, tangent and P.C. and P.T. stations for horizontal curves, and length of curve, tangent grades, PVC and PVT stations for vertical curves.
- h. The design speed used in computing curve data for subdivisions is 30 mph.
- i. The design speed for collector streets is 45 mph.
- j. The design speed for major arterial streets is 55 mph.
- k. Hydrology and hydraulic report of pre-construction and post-construction development for the entire site is required.
- l. Soil erosion and sediment control plan for the disturbed area (portions) of the site. All plans must meet State standards for land disturbing activity permits.
- m. Clearing and disturbance limits.

n. Standard details for construction (structures, drainage, roadway, etc.).

(4) Permit to develop. Following the approval of the Construction Plans by the Planning Commission, the County Engineer shall issue a Permit to Develop for the Proposed Plat. The Permit to Develop allows the developer to proceed with construction of the development in compliance with these regulations. Additionally, the developer may offer lots in the proposed subdivision for sale, transfer, or lease, provided, however, that no sale, transfer, or lease may be completed or recorded until after the final plat has been recorded in the office of the Clerk of Superior Court pursuant to the requirements of Code of Georgia.

(5) Construction of proposed subdivision. Once the permit to develop has been issued, the developer may proceed with construction of the proposed subdivision in accordance with these regulations.

The developer shall have one year from the date of permit issuance to begin substantial work on the proposed development. If work does not begin within the one year time frame, the proposed plat must be resubmitted to the County Engineer and Planning Commission for approval as if the plat had never been submitted.

If any changes in the development plans of the approved proposed plat are required for any reason, the developer shall submit the proposed changes to the County Engineer prior to construction or implementation of the proposed changes. Approval of the County Engineer shall be required before any changes are constructed. Any changes or deviations from the approved proposed plans prior to the County Engineer's approval shall be in violation of these regulations and shall be subject to removal or correction at the expense of the developer.

Changes to the proposed subdivision construction plans that do not change the overall layout of the subdivision may be reviewed and approved by the County Engineer without the requirement of the construction plans having to be resubmitted for approval by the Planning Commission. Any changes that do change the overall layout (i.e. addition of lots and/or addition of roads) of the subdivision shall require the proposed plat to be resubmitted for approval by the Planning Commission.

**(F) Submission of final plat.**

(1) *Application.*

- a. No street shall be accepted and maintained by the Unified Government of Cusseta-Chattahoochee County, Georgia nor shall any permit be issued by any department in the Unified Government of Cusseta-Chattahoochee County for the construction of any building or other improvement requiring a permit unless and until a final plat prepared by a licensed and registered land surveyor or of the State of Georgia, has been approved by the Planning Commission.
- b. The developer or his agent shall acquire the signatures of the land surveyor or engineer, licensed and registered in the State of Georgia, the owner, or his duly authorized agent, of the tract to be subdivided, and as required herein, the Public Health Inspector before submitting the final plat to the Planning Commission for its review. The Unified Government of Cusseta-Chattahoochee County staff shall obtain the signature of the County Engineer. Six black or blue line prints of the final plat (or a number as specified by the Planning Commission) shall be submitted.
- c. The final plat shall conform substantially to the preliminary plat and shall constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at that time.
- d. The final plat shall be drawn at a scale no smaller than 100 feet to one inch and shall be drawn on a sheet not less than 8½ inches by 11 inches and not larger than 18 inches by 24 inches in

width, with a margin on one end of two inches for binding purposes and ½ inch margin on the other three sides. If the final plat is drawn in two or more sections, it shall be accompanied by a key map showing the location of the sections and their relationship to one another.

- e. All plats shall conform to the Georgia Plat Act, as amended.
- f. Final plats shall be submitted to the County a minimum of 30 days prior to the next regularly scheduled Planning Commission meeting.

(2) *Information to be Submitted.*

- a. The final plat shall show the following information:
  - 1. Name of the owner of the tract to be subdivided.
  - 2. Name of the subdivision.
  - 3. North point, scale, date, and legal land lots and land districts.
  - 4. The names of all adjacent subdivisions and record owners of un-subdivided property adjoining the proposed subdivision.
  - 5. Block and lot numbers in consecutive order. Lots and blocks shall be numbered and continue, without duplication, throughout the subdivision.
  - 6. Total number of lots, the acreage of each lot, acreage of the section being platted and the total number of acres.
  - 7. Lot lines and dimensions with accurate bearings.
  - 8. Location and material of all permanent monuments and lot markers.
  - 9. All areas to which title is reserved by owner.
  - 10. The location of all watercourses, streams, creeks, or wetlands adjoining or within the proposed subdivision.
  - 11. Easements for utilities and limitations on such easements.
  - 12. Subdivision, and whether such streets are public or private, names and accurate locations of all existing and proposed streets within or immediately adjoining the proposed subdivision.
  - 13. Accurate dimensions and bearings of all street lines.
  - 14. Accurate distances and directions to the nearest street corner or official monument. Reference corners shall be accurately described on the plat.
  - 15. Complete data for all horizontal curves included in the plat, including radius, delta angle, and tangent.
  - 16. Flood: Areas of Special Flood Hazard with Base Flood Elevations and the benchmark for determination.
  - 17. Location of Existing Streets, R.O.W. and public utilities and drainage structures.
  - 18. Name, signature, seal of registered surveyor.
- b. All dimensions shall be measured to the nearest 1/100 of a foot and angles to the nearest minute.

(3) *Final Plat Approval.*

- a. Before acting on the final plat, the Planning Commission may request reports from any person or agency directly affected by the proposed development. At a minimum, the Planning Commission shall obtain from the County Engineer a signed statement that the proposed street names (except in the case of extension of existing streets) do not duplicate the names of streets now in

existence. Such reports shall certify compliance with or note deviations from the approved preliminary plat and requirements of these regulations. The Planning Commission shall be responsible for securing said reports.

b. A final plat shall be submitted to the County Engineer for approval of the proposed subdivision after:

- 1. All infrastructure construction or required improvements are complete for a subdivision;
- 2. An acceptable surety is provided to the County as detailed in Section 3(4) to cover the expense of the required infrastructure/improvements. The amount of the surety shall be as detailed herein for roads seeking County acceptance.

At the point that the final plat is submitted for approval, the developer shall remit and submit each of the following:

- (1) All testing and inspection charges required, if any, under Section 5 of these regulations
- (2) A final as-built set of plans or certification from the owner's engineer that there were no changes to the approved construction plans;
- (3) One copy of the Final Plat as approved by the County Engineer prepared on a suitable permanent reproducible mylar; to include all necessary signatures except the County Engineer, County Commission Chairman, and Clerk of Superior Court;
- (4) A letter from the Health Department detailing field review for the general lot layout has been completed;
- (5) A digital copy of the plat in an acceptable format as deemed by the Unified Government of Cusseta-Chattahoochee County Revenue Commissioner.

c. The following certifications shall be shown on the final plat:

- 1. Pursuant to the Subdivision Regulations of the Unified Government of Cusseta-Chattahoochee County, Georgia, all requirements of approval having been fulfilled, this final plat was given final approval by the Planning Commission on \_\_\_\_\_, 20\_\_\_\_. This plat is approved for recording in the office of the Clerk of the Superior Court of the Unified Government of Cusseta-Chattahoochee County, Georgia.

\_\_\_\_\_  
Chairman, Unified Government  
of Cusseta-Chattahoochee County  
Planning Commission

\_\_\_\_\_  
Secretary, Unified Government  
of Cusseta-Chattahoochee County  
Planning Commission

- 2. Streets and storm drainage design, construction plans, and easements meet the requirements of the Board of Commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, and are approved by the County Engineer of the Unified Government of Cusseta-Chattahoochee County, Georgia on \_\_\_\_\_, 20 \_\_\_\_.

By: \_\_\_\_\_  
County Engineer

3. Certification, with seal, by a Land Surveyor or Engineer, licensed and registered in the State of Georgia to the effect that the survey and plat are correct and in accordance with the Subdivision Regulations and Plat Law.

"In my opinion, this is a correct representation of the land platted and has been prepared to conformity with the minimum standards and requirements of the law." On \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

Georgia Registration Number: \_\_\_\_\_

4. Owner's Certification.

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey."

Agent: \_\_\_\_\_

Owner: \_\_\_\_\_

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

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

5. Certificate of approval by the West Central Georgia District (when on-site water supply or sewage disposal systems are to be utilized).

"Requirements for use of on-lot sewage disposal and/or water systems have been fulfilled. Each lot and system is subject to approval prior to development/ construction."

By: \_\_\_\_\_

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

West Central Georgia Health  
District Inspector

(4) *Acceptance of Improvements and Requirements for Performance Bond or Certified Check.*

- a. Before the plat is signed by the Chairman of the Planning Commission, all applicants shall be required to complete all improvements as required by these regulations.
- b. If the developer does not wish to construct and install required public improvements as described herein prior to submitting the subdivision plat to the Planning Commission for final approval, a performance bond shall be required. Such bond shall be 150 percent the estimated cost of construction of the incomplete improvements. A certified check may be placed in escrow with the Unified Government of Cusseta-Chattahoochee County in lieu of bonds.
- c. The performance bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form sufficiency and manner of execution as set forth in these regulations. The period within which the required improvements must be completed shall be incorporated in the bond and shall not, in any event, exceed three years from date of final plat approval.
- d. A performance bond shall be required for approval by the Planning Commission. The Performance Bond shall be the equivalent of five percent of the construction costs determined by the County Engineer, which shall remain in escrow for a period of two years to cover compliance against failure.

(5) *Filing of Final Plat by Clerk of Superior Court.*

- a. The final plat shall be properly signed and executed as required by these regulations before it is recorded by the Clerk of the Superior Court of the Unified Government of Cusseta-Chattahoochee County, Georgia.
- b. Certificate of Approval for Recording on the Final Plat is as stated in Section 3(c)(1) of these Regulations.

- c. When the approved plat has been recorded, three copies of the plat with the restrictive covenants, if any, shall be furnished by the developer to the Planning Commission staff for distribution to the appropriate departments of the County.

(6) *Replat or Resubdivision of Existing Subdivisions of Record.* The replatting or resubdivision of land shall follow the procedures, rules and regulations required by this ordinance.

## SECTION 4. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN AND CONSTRUCTION

### (A) General requirements.

In addition to the requirements specified in Section 5 "Roadway and Subdivision Specifications, the Unified Government of Cusseta-Chattahoochee County, Georgia" subdivisions must all meet the following requirements:

- (1) *Conformity to Map and Plans.* Subdivisions shall be in conformity with the existing and/or amended plans of the Planning Commission Board of Commission, and the Georgia Department of Transportation.
- (2) *Subdivision Names.* Subdivision names shall not duplicate, or be confused with, existing names. All subdivision name changes are subject to approval by the Planning Commission.
- (3) *Conformity to Mapped Streets Ordinance and Transportation Plan.* The location and width of all proposed streets shall be in conformity with the Roadway and Subdivision Specifications for the Unified Government of Cusseta-Chattahoochee County.

### (B) Street layout.

#### (1) *Access to Adjacent Properties.*

- a. Where, in the opinion of the County, it is desirable to provide for street access to an adjoining property, proposed roadways shall be extended by dedication to the boundary of such property and joined with the existing roadways, where such exists, or with other proposed roadways. Where no roadway exists, or where the adjoining property is in alignment with a proposed roadway, a temporary turn around shall be provided at the boundary of said property.
- b. In the event that adjacent properties are separated by a watercourse or stream, and where the adjoining property line runs to a centerline of the stream or watercourse, the County Engineer shall require that street access to adjoining property be provided. The first developer shall construct said streets to the edge of the stream or watercourse and shall provide sufficient bond or escrow account to adequately cover 1/2 of the estimated cost of the proposed public crossing facility. Such bond or escrow account shall be held by the Unified Government of Cusseta-Chattahoochee County for a period not to exceed two years. If after such period, work has not commenced on the second subdivision, such funds shall be returned to the first developer. The second developer shall be responsible for completing the crossing (with the bond or escrow funds if work is initiated within the two year period).

(2) *Discouragement of Through Traffic.* Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission shall require marginal access streets, single tier lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.

(3) *Private Streets.* There shall be no private streets or access easements platted in any subdivision, except as provided below.

- A. *Applicability.* Private streets, reserve strips, or access easements are prohibited except in multi-family and nonresidential developments, or as otherwise approved by the County Commission on a case-by-case basis.

- B. *Compliance.* Private streets shall comply with all requirements and standards that apply to public streets for the type of development that they serve. Streets serving apartment and condominium developments and associated storm drainage shall be constructed to the residential public street standards of this Ordinance. Driveways and parking lot aisles shall not be considered as "streets".
- C. *Owner's Release.* In place of an Owner's Release The Unified Government of Cusseta-Chattahoochee County will require a sign stating "Private Road Subdivision" within 50 feet of each entry and exit. The Unified Government of Cusseta-Chattahoochee County will also require that a sign stating "Private Road Subdivision" be placed directly beneath all speed limit signs located in the subdivision. These signs will be in place prior to the sale of any lots.
- D. *Other Standards.* A private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as storm water runoff and detention requirements, the provision of utilities, and traffic and street name signs.
1. *Identification of Private Streets.* Private streets shall be denoted as such on the street name signs for each such street.
    - (A) *Names of Proposed Streets.* Proposed streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name.
    - (B) *Duplication of Street Names.* Street names shall not duplicate or be phonetically similar to existing street names.
    - (C) *Signs.* Street name signs shall be blue in color and labeled as private along with the street name, in accordance with City requirements.
  2. *Gates.* Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all standards and requirements of the County for access activation, and shall be of breakaway construction.
- (4) *Street Names.*
- a. Proposed streets which are extensions of, or in alignment with, existing or other proposed streets shall bear the same name. In no case shall the name of the proposed street duplicate, or be phonetically similar, to existing street names, irrespective of the suffix (street, boulevard, drive, place, court, etc.).
  - b. All street names shall be subject to the approval of the Unified Government of Cusseta-Chattahoochee County Board of Commission.

**(C) Street design standards.**

See Section 5: Roadway and Subdivision Specifications of the Unified Government of Cusseta-Chattahoochee County, Georgia.

**(D) Blocks.**

Block lengths and widths shall be as follows:

- a. Blocks shall not be greater than 1,800 feet nor less than 400 feet in length, except in unusual circumstances.
- b. Blocks shall be wide enough to provide two tiers of lots of minimum depth, except where abutting upon major streets, limited access highways, railroads, or other situations that make this requirement impractical.



**(E) Lots.**

(1) *Lot Sizes.* Residential lots shall meet the area requirements necessary for adequate sewer treatment and water availability and for compliance with the Unified Government of Cusseta-Chattahoochee County Zoning Ordinance, the intent of the Unified Government of Cusseta-Chattahoochee County Comprehensive Plan, and the rules and regulations of the West Central Georgia Health District. Depending on the results of soil percolation tests, topography, or other limiting conditions, the size of lots required may change. The developer or his agent shall consult with the West Central Georgia Health District before establishing a lot size and designing a subdivision for any area within the Unified Government of Cusseta-Chattahoochee County. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use as intended and to meet zoning requirements. Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets.

(2) *Lots Abutting Public Streets.* Each lot shall abut a dedicated public street by at least 50 feet. Each lot shall meet the minimum driveway sight distance requirements of the Geometric Design Standards of the Georgia Department of Transportation.

(3) *Lot Width.* Lot width shall not be less than minimum road frontage required by zoning district and shall not narrow between the right-of-way and building line.

(4) *Double and Reverse Frontage Lots.* Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(5) *Building Lines.* All building lines shall meet the setback requirements established in the Unified Government of Cusseta-Chattahoochee County Zoning Ordinance.

**(F) Buffer strips.**

In addition to meeting the minimum lot requirements specified in the Zoning Ordinance, all lots adjacent to railroads, limited access highways, major arterials, commercial and industrial development, and airport facilities shall be provided with a minimum 20 foot wide buffer strip on the side adjacent to the aforementioned items unless otherwise approved by the Planning Commission. Within the buffer strip, the building of structures is prohibited. Unless it can be demonstrated beyond a reasonable doubt that existing trees and shrubs are detrimental to the health, safety, and welfare of the potential resident, the removal of trees and shrubs in this area is prohibited.

See Roadway and Subdivision Specifications for other requirements.



**SECTION 5. ROADWAY AND SUBDIVISION SPECIFICATIONS**

**Sec. 1. Street design, standards, easements, drainage, etc.**

(A) *General Requirements.*

- (1) *Continuation of adjoining street system.* The proposed street layout shall be coordinated with the street system of the surrounding area, with the topography, with such natural features as streams and tree growth, with public convenience and safety, and with the proposed use of the land to be served by such streets.
- (2) *Access to adjacent properties.* Where, in the opinion of the County, it is desirable to provide for access to an adjoining property, proposed roadways shall be extended by dedication to the boundary of such property and joined with the existing roadways, where such roadway exists or with other proposed roadways. Where no roadway exists, or where the adjoining property is in alignment with a proposed roadway, a temporary turnaround shall be provided at the boundary of said property.

(B) *Street Design Standards.* The design standards which shall be as follows:

(1) *Right-of-way widths.* Minimum right-of-way widths shall be as follows:

Arterial	120 feet
Collector	80 feet
Subdivision	60 feet

(2) *Pavement widths.* Pavement widths plus curb and gutter widths (when applicable) shall be not less than the following:

a. *Arterial:*

With curb and gutter	53 feet (back to back of curb)
Without curb and gutter	24 feet (w/12 ft. shoulder)

b. *Collector:*

With curb and gutter	45 feet (back to back of curb)
Without curb and gutter	24 feet (w/10 ft. shoulder)

c. *Subdivision streets:*

With curb and gutter	31 feet (back to back of curb)
Without curb and gutter	24 feet (w/19 ft. shoulder)

- d. Base thickness: Six inches minimum residential, all others by design
- e. Pavement thickness: Two inches minimum residential, all others by design. 200 lbs/s4 of GDOT Type "E" asphalt paving and 100 lbs/s4 of GDOT Type "E" asphalt paving two years after acceptance.

(3) *Grades.*

- a. Roadway grades shall not be more than 12 percent nor less than 0.5 percent, unless approved by the County.
- b. Grades approaching intersections may not exceed eight percent for a distance of not less than 100 feet from the centerline of said intersection unless otherwise approved by the County.

- (4) *Horizontal curves.* Where a centerline deflection angle of more than five degrees occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

Arterial roadways	500 feet
Collector roadways	350 feet
Subdivision roads	150 feet

- (5) *Vertical curves.* All vertical curves shall have such length as necessary to provide safe stopping sight distance. The stopping sight distance shall be specified as a line of sight measured along the centerline from a point of 3.75 feet above the surface of the pavement to a fixed object six inches in height. The following distances are examples of various speeds. For speeds not shown, calculate the stopping sight distance using formulas recommended by the Institute for Traffic Engineers (ITE):

<i>Design Speed</i>	<i>Stopping Sight Distance</i>
20 mph	150 feet
30 mph	200 feet
40 mph	275 feet
50 mph	350 feet

- (6) *Tangents.* There shall be a tangent of at least 100 feet between reverse curves, unless otherwise approved by the County.
- (7) *Intersections.* Roadway intersections shall be laid out as follows:
- a. Roadways shall intersect as close as possible at right angles, and no streets intersect at less than 60 degrees.
  - b. Intersections with arterial roadways shall be at least 800 feet apart measured from centerline to centerline.
  - c. Street jogs shall not be less than 125 feet measured from centerline to centerline.
  - d. Proper sight lines shall be provided and maintained at all intersections. Measured along the centerline, 3.75 feet above grade, there shall be a clear sight distance triangle of 300 feet on major arterials, 200 feet on collector roadways, and 100 feet on subdivision roadways, measured from a point of the centerlines intersection.
- (8) *Temporary turn-around.* A temporary turn-around, 40 feet in radius, shall be where the logical extension of a subdivision roadway is terminated.

(C) *Easements.* Utility and other easements shall be provided as follows:

- (1) When the County deems it necessary, utility easements shall be provided. All easements shall be a minimum of ten feet in width. All easements accepted by the County for utility construction shall be cleared, grubbed and graded by the subdivision developer.

Prior to installation of waterlines, a developer will be required to provide the County with a layout plan and specifications for construction utilizing an accepted waterline easement plan. During construction, it will be necessary for the County to make periodic inspections and to observe the pressure testing when water is placed in the lines. Following all approved inspections, with specifications regarding materials and tests, the County will accept the water mains for maintenance and will operate in accordance with the rights granted in the respective water line easements.

The developer will provide to the County's Attorney an acceptable title opinion to easement property.

- (2) Where a subdivision is traversed by a natural or manmade watercourse, drainage way, channel, or stream, or a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourses, drainage ways, channels, or streams; easements shall be provided as determined by the County.

(D) *Storm Drainage.*

- (1) Storm drainage shall be designed for 25 year return frequency storms. Detention ponds shall be designed for the 100 year return frequency.
- (2) Every subdivision shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts and other facilities as required by standards and specifications of the County.
- (3) Drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easement of appropriate width.
- (4) Use of catch basins at road intersections are specified and shall be arranged in such a manner that will not permit water to cross intersection. Unless otherwise specified by the County, cross drainage of roadways or intersections via valley gutter is prohibited.

(E) *Water Supply.*

- (1) When, in the written opinion of the Georgia Department of Natural Resources through the local health department and the County water works, public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. The installation shall be prior to the paving of the street. The public water supply shall be installed by the County Public Works Department, but at the developer's cost.
- (2) Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply acceptable to and approved by the Georgia Department of Natural Resources through the local health department.

(F) *Inspection During Construction.* The contractor shall provide all testing designated by the County. All construction performed under the auspices of these regulations shall be subject to inspection by the County. The contractor shall be responsible for notifying the County in writing prior to commencement of any such work. If the contractor fails to make this notification, he shall then be responsible for the expense of any operation or laboratory testing by the County to ascertain compliance with specifications.

(G) *Acceptance of Improvements.* The County shall have the authority to reject any material or work that does not meet the requirements of specification adopted by the County.

(H) *Guarantee of Work.* The developer shall guarantee all work performed by him or his agent against failure for a period of two years after completion of work. To insure compliance with the above, performance bond in an amount determined by the County shall be posted.

(I) *Specification Note.* These specifications refer to "contractor and developer". In these specifications, they are interchangeable and/or one in the same. The engineer or inspector is any agent or individual(s) so designated by the Chairman of the County Commission.

(J) *Additional Requirement.* The subdivision developer shall be required to secure necessary permits for connecting new subdivision construction to existing federal, state, and county highways. The developer will construct all approaches, acceleration/deceleration lanes, drainage, and pavement in accordance with approval plans and permits. The developer will be required to provide the County with a letter of approval of the connection to existing highway. Also, the developer is required to meet all specification and requirements of the U.S. Soil and Water Conservation Service and the Georgia Department of Natural Resources.

(K) *Construction Specifications.*

(1) *[Generally.]* After the effective date of these regulations, the County will not accept any dedicated improvements until the improvements have been completed by the subdivider of the subdivision in conformance with construction plans approved by the County in accordance with these regulations.

(2) *Specific Construction Specifications.* Specific construction specifications are described in the following Section 1 through Section 30:

Sec. 1 - Temporary silt fence.

Sec. 2 - Clearing and grubbing right-of-way.

Sec. 3 - Roadway excavation.

Sec. 4 - Borrow excavation.

Sec. 5 - Excavation and backfill for minor structures.

Sec. 6 - Subgrade construction.

Sec. 7 - Graded aggregate base.

Sec. 8—10 - Omitted.

Sec. 11 - Bituminous prime.

Sec. 12 - Bituminous tack coat.

Sec. 13 - Miscellaneous concrete.

Sec. 14 - Concrete structures.

Sec. 15 - Storm drain pipe-arch culverts and side drain pipe.

Sec. 16 - Rip rap.

Sec. 17 - Jacking or boring pit.

Sec. 18 - Coarse aggregate.

Sec. 19 - Omitted.

Sec. 20 - Backfill materials.

Sec. 21 - Omitted.

Sec. 22 - Hot mix asphaltic concrete mixtures.

Sec. 23 - Cement.

Sec. 24 - Admixtures.

Sec. 25 - Concrete pipe.

Sec. 26 - Steel pipe.

Sec. 27 - Omitted.

Sec. 28 - Pipe appurtenances.

Sec. 29 - Precast concrete catch basin, drop inlet, and manhole units.

Sec. 30 - Grassing.

**Sec. 1 - Temporary Silt Fence.**

*1.01 Description.* The work covered by this section consists of furnishing, installing, maintaining, and removing a water permeable filter type of fence suspended particles from the drainage.

*1.02 Materials.*

- A. *Posts.* Posts shall be a minimum of five feet long and either wood or steel posts may be used. Wood posts shall be at least three inches in diameter, or one 2×4 and straight enough to provide a fence without noticeable misalignment. Steel posts shall have a minimum weight of 1.3 pounds per foot, and have projections for fastening wire to the fence.
- B. *Woven wire fence.* Wire fence fabric shall be at least 32 inches high, and shall have at least six horizontal wires. Vertical wires shall be spaced 12 inches apart. The top and bottom wires shall be at least ten gauge. All other wires shall be at least 12½ gauge.
- C. *[Filter fabric.]* Filter fabric shall be composed of strong, rot-proof synthetic fibers formed into a fabric of either the woven or non-woven type. Either type of fabric shall be free of any treatment or coating which might significantly alter its physical properties after installation. The fabric shall contain stabilizer and/or inhibitors to make the filaments resistant to deterioration resulting from exposure to sunlight or heat. The fabric shall be a pervious sheet of synthetic fibers oriented into a stable network so that the fibers retain their relative position with respect to each other.

The fabric shall meet the following physical requirements:

<i>Physical Requirements</i>		
<i>Physical Property</i>	<i>Test Method</i>	<i>Requirements</i>
Tensile Strength	ASTM D1682 Grab Test using 1" square jaws and a travel rate of 12"/minute	100 lbs. min
Grab Elongation	ASTM D1682 Grab Test using 1" square jaws and a travel rate of 12"/minute	30% ± 10%
EOS (Equivalent Opening Size)	Corps of Engineers Guide Specification CW 022115, November, 1977	100 Sieve min 40 Sieve max
Ultraviolet Stability	ASTM D1682 Grab Test using 1" square jaws and a travel rate of 12"/minute. Test to be made after 180 days direct exposure to sunlight on a horizontal plane.	80 lbs. min
Bursting Strength	ASTM D751 Diaphragm Bursting Tester	175 psi min

The contractor shall furnish certified test reports with each shipment of material attesting that the fabric meets the requirements of this specification.

- D. *Wire staples for wooden posts.* Wire staples shall be a No. 9 gauge and shall be at least 1½ inches long.

*1.03 Installation.* The contractor shall install a temporary silt fence as shown on the plans or as directed by the engineer.

*1.04 Maintenance and removal.* The contractor shall maintain the silt fence until the project is accepted or until the fence is removed, and shall remove and dispose of silt accumulations at the silt fence when so directed by the engineer. Filter fabric shall be removed and replaced whenever it has deteriorated to such extent that it reduces the effectiveness of the silt fence.

**Sec. 2 - Clearing and Grubbing Right-of-Way.**

*2.01 Description.* This work shall consist of clearing, grubbing, removing and disposing of all vegetation and debris within the limits of construction and easement areas adjacent to the

right-of-way, as shown on the plans or as directed by the engineer, except such objects as are designated to remain or are to be removed in accordance with other sections of these specifications.

#### *2.02 Construction.*

- A. *General.* The contractor will establish right-of-way lines and construction lines, and designate all trees, shrubs, plants, and other things to remain. The contractor shall preserve all things designated to remain.
- B. *Clearing.* Clearing consists of the removal from the right-of-way lines and proper disposal of all exposed objectionable matter, such as trees, brush, stumps, logs, grass weeds, roots, decayed vegetable matter, poles, stubs, rubbish, refuse dumps, sawdust piles, loose (boulders of one cubic yard or less existing outside of construction limits), and other debris resting on, or protruding through the ground surface, or appearing on the right-of-way at any time before final acceptance of the work.
- C. *Grubbing.*
  - 1. *Definition.* Grubbing consists of the removal from the right-of-way and proper disposal of objectionable matter defined above, under clearing, which is embedded in the underlying soil.
  - 2. When items are removed as clearing and grubbing, they shall be removed to the following depths:
    - (a) *Under pavements.* Remove to a depth of at least three feet below finished subgrade.
    - (b) *Beneath other structures.* Remove to a depth of at least three feet below the foundations of any proposed structure including installations such as guardrail posts, utility poles, and the like.
    - (c) *Elsewhere in the right-of-way.* Remove to at least three feet below the finished surface of slopes and shoulders, and one foot below natural ground outside construction lines. Abandoned structures remaining in place which may impound water, (such as concrete floors, basements, catch basins, and the like) shall be thoroughly cracked or otherwise broken where they are present within ten feet of finished grade. Floor and the like shall be broken to the extent that no section exceeding ten square feet remains intact.
  - 3. Areas adjacent to selected trees and shrubs shall be grubbed whenever grubbing can be done without damage to the living roots of the selected trees or shrubs.
  - 4. *Combustible material.* All combustible material except sawdust piles may be burned on the right-of-way except where prohibited by local air pollution control regulation. Burning on the right-of-way shall be done so as to prevent fire from spreading to adjacent areas and to prevent damage to living trees and shrubs which are to remain in place, either on or off the right-of-way. Care shall also be taken to prevent damage to all public and private installations either within or adjacent to the right-of-way and to the traveling public.

All burning of right-of-way material shall be permitted by the proper agencies of the Georgia Department of Natural Resources and/or the Georgia Forestry Commission.

### ***Sec. 3 - Roadway Excavation.***

*3.01 General.* Roadway excavation shall consist of the exaction, hauling and satisfactory placement of disposal of all material. This work shall also include all ditch excavation with the exception of channel excavation.



All suitable materials excavated from ditches shall be utilized in the construction of roadway embankments except where otherwise directed by the engineer.

Material excavated from the ditches, which is unsuitable for roadway construction, shall not be deposited or allowed to remain within three feet of the edge of the ditch. Such material shall not be left in unsightly piles, but shall be spread in uniform layers, neatly leveled and shaped. Adequate openings shall be provided in spoil banks to allow surface drainage of adjacent land. When shown on the plans or required by the engineer, surface ditches of adequate dimensions shall be cut at the tops of cut slopes, extending to each end of the cuts in order to carry the water from the side hill. Side ditches or gutters emptying from cuts to embankments shall be turned outward so as to avoid erosion of the embankments.

When excavation operation encounters artifacts of historical or archaeological significance, such operations shall be temporarily discontinued and not resumed until directed by the engineer.

All material to be excavated, regardless of its nature or composition, shall be defined as unclassified excavation, unless otherwise specified on the plans. All suitable material removed in the excavation shall be used, as far as practicable, in formation embankments, subgrades, shoulders, and at such other places as may be on the plans or directed by the engineer. The engineer will designate materials which are unsuitable.

*3.02 Erosion and siltation control.* The contractor shall take whatever measures necessary throughout the life of the project to control erosion and to minimize silting of rivers, streams, and impoundments. Construction of drainage facilities as well as performance of all other contract work, which will contribute to the control of erosion and siltation, shall be carried out in conjunction with earthwork operations.

*3.03 Rock excavation.* Rock, wherever encountered, shall be removed and disposed of as shown on plans or as directed by the engineer. In a cut, when rock is encountered, any flattening of the slope already begun shall be transitioned to leave the cut with a pleasing appearance.

*3.04 Unsuitable material excavation.* When the engineer determines that the existing material is undesirable in its location or condition, the engineer may require the contractor to remove the undesirable material and backfill with approved material, properly compacted. In cut areas where the material in place is not suitable for subgrades or shoulders, it shall be undercut to the depth established by the engineer and the undercut area backfilled with suitable material. In roadway cuts, any stripping excavation of unsuitable material shall be done and the material disposed of, as directed by the engineer.

#### ***Sec. 4 - Borrow Excavation.***

*4.01 Description.* The work covered by this section consists of the excavation of material from borrow areas or pits. Outside the project right-of-way; hauling and utilization of such material as required on the plans or directed by the engineer.

*4.02 Materials.* Borrow excavation shall be material approved by the engineer as meeting the requirements for the particular use intended. Embankment materials shall meet the requirements as specified in Section 20, Backfill Materials.

*4.03 Construction.* Borrow pits furnished by the contractor shall be approved by the engineer.

#### ***Sec. 5 - Excavation and Backfill For Minor Structures.***

*5.01 Description.* This work shall consist of the excavation and backfill, or disposal of all materials required for the installation of bridge culvert, pipe, arch culvert, headwall and retaining wall structures in accordance with the specifications and the details shown on the plans or established by the engineer.

5.02 *Materials.* All materials shall meet the following requirements of the following specifications:

<i>Foundation Backfill</i>	
Material—Type I	Section 20.02
Foundation Backfill Material—Type II	Section 20.02
Imperfect Trench Backfill Material—Type III	Section 20.03

5.03 *Locations and elevations.* The locations and elevations of structures shown on the plans are approximate. Final locations and elevations will be determined by the engineer.

5.04 *Excavation.* The engineer will determine the minimum requirements for length and depth of excavation for each structure. Necessary sheeting and bracing shall be installed by the contractor without additional compensation. Except for concrete or masonry structures, wherein the entire structure rests on solid rock, all excavation through rock or boulder formations shall be extended to at least one foot below the bottom of the structure and then backfilled with Type I or Type II material to the proper subgrade elevation.

When pipe lines are on the steep gradients, excavation and the placement of pipe on a new embankment may be done in increments as the embankment construction progresses.

Where existing paved areas are to be retained, all cutting of surfaces at structure trenches shall be done in such a manner as to prevent damage to the adjacent pavement.

Material excavated from the pipe trenches shall be considered unclassified excavation.

5.05 *Backfill.* Backfill materials meeting these specifications shall be obtained from sources approved by the engineer.

- A. Foundation backfill materials, Type I and Type II. These materials will be used as shown on the plans or as directed by the engineer. In general, Type I material will be used in reasonably dry structure trenches, and Type II material will be used as a finishing course for Type I material. All areas of excavation beyond specified limits shall be backfilled with the same type of material required for the adjacent area. Type I and Type II backfill material shall be placed in layers of not more than six inches loose.

Each layer shall be compacted as follows:

*Type I backfill material:* Compact to 95 percent of the theoretical dry density determined by GHD: 7.

*Type II backfill material:* Compact to a satisfactory uniform density as directed by the engineer.

- B. Imperfect trench backfill material, Type III. This material will be placed as loose uncompacted backfill over pipe structures, as shown on the plans where imperfect trench backfill is specified.
- C. Rock larger than four inches in any diameter shall be placed within two feet of any drainage structure.
- D. Backfill behind retaining walls, unless otherwise specified, shall be pervious material and meet the requirements of Case I or Case II as follows:

*Case I:* Case I refers to backfills for retaining walls required for the support of roadbeds and parking areas, in which case, the backfill shall conform to requirements of Section 20, except that no rock more than four inches in any diameter shall be placed within two feet of the retaining wall or finished surface.

*Case II:* Backfills for retaining walls required for the support of roadbeds or parking areas shall conform to requirements of Case I above, except that the backfill shall be compacted to the density of the adjacent soil.

*5.06 Pavement replaced.* Where adjacent pavements are to be retained, pavement removed at structure trenches shall be replaced in-kind, or when approved, with equal or better material. After backfilling, the contractor shall maintain a smooth riding surface until the repaving is completed.

***Sec. 6 - Subgrade Construction.***

*6.01 Description.* This work shall consist of placing, mixing, compacting, and shaping the top six inches, or to the plan indicated thickness, of the roadbed in both excavation and embankment areas. This work also includes subgrade stabilization, select material subgrades and shoulder stabilization.

*6.02 Materials.*

A. Subgrade materials. Unless otherwise noted, the top six inches (or specified depth) of the subgrade shall conform to Class I or Class II materials as defined in Section 20.

*6.03 Construction.*

A. *Subgrade construction.* The entire surface of the in-place subgrade shall be plowed, harrowed and mixed to a depth of at least six inches. After the material has been thoroughly mixed, the subgrade shall be brought to plan line, graded, and compacted to 100 percent of the maximum laboratory dry density, unless the subgrade is to be stabilized, in which case the density requirement will not apply at this stage; or unless a subsequent contract provides for base construction. In the latter case, mixing will be eliminated and the in-place subgrade will be compacted to 95 percent of the laboratory maximum dry density.

Prior to placing any subsequent layers of base and paving materials, the subgrade shall have sufficient stability to support construction equipment without excessive movement regardless of compaction. Areas of subgrade that are unstable shall be reworked to a moisture content that will provide stability and compaction.

The surface of the completed subgrade shall be bladed to a smooth and uniform texture. The centerline profile shall conform to the established elevations with an acceptable tolerance of  $\pm \frac{1}{2}$  inch. The acceptable tolerance under a template conforming to the designated cross-section shall be  $\pm \frac{1}{4}$  inch.

The maximum dry density and the test methods shall be in accordance with section 6.03 A.

***Sec. 7 - Graded Aggregate Base.***

*7.01 Description.* This work shall consist of constructing a base, sub base, or shoulder course composed of mineral aggregates as a prepared subgrade or sub base in accordance with these specifications and in reasonably close conformity with the lines, grades, thicknesses, and typical cross-sections shown on the plans or established by the engineer.

*7.02 Materials.* The materials to be used and the specifications for them are listed below:

Graded aggregate: The graded aggregate base, sub base or shoulder course material shall be of uniform quality throughout.

The graded aggregate may be produced from an approved source or deposit which will yield a satisfactory mixture conforming to all requirements of these specifications after it has been crushed or processed as part of the mining operations, or the material may be furnished in two sizes of such gradation that, when combined in the central mix plan the resultant mixture shall

conform to the required specifications. In addition, the material passing the No. 10 sieve shall be relatively free of detrimental substances, such as soil overburden, decomposed rock, and/or swelling silts.

Graded aggregate base, sub base, or shoulder material shall conform to the following:

<i>GRADATION OF GRADED AGGREGATE</i>	
<i>Requirements</i>	<i>Percent by Weight</i>
Passing 2" sieve	100
Passing 1½ " sieve	97—100
Passing ¾ " sieve	60—90
Passing No. 10 sieve	25—45
Passing No. 60 sieve	5—30
Passing No. 200 sieve	0—15

Method tests shall be in accordance with the following:

Gradation	AASHTO: T-27
Sand Equivalent	GHD: 63

*7.03 Construction.*

- A. *Placing materials.* The materials shall be spread uniformly with a mixture spreader to the proper depth to obtain the specified thickness. Graded aggregate materials containing frost or frozen particles shall not be placed.
- B. *Thickness of course.* The maximum thickness to be laid in one course shall be six inches compacted. If the design thickness of the base, sub base or shoulder course is more than six inches, it shall be constructed in two or more courses of approximately equal thickness. With sufficient and suitable equipment, the engineer may allow base material to be placed in lifts up to eight inches.
- C. *Compaction.* The moisture content of the mixture of materials at the time of compaction shall be uniformly distributed and shall be adequate to allow compaction to the specified density. After the material placed has been shaped to line, grade and cross-section, it shall be rolled until the course has been uniformly compacted to at least 98 percent of the maximum dry density.

The compacted base shall have sufficient stability to support construction equipment without pumping regardless of compaction. If the base material becomes unstable as a result of too much moisture, the base material and the underlying subgrade, if necessary, shall be dried and reworked to a moisture content that will provide stability and compaction.

- D. *Tests.* AASHTO: T180 Method D.

**Sec. 8—10 - Omitted.**

**Sec. 11 - Bituminous Prime.**

*11.01 Description.* The work shall consist of preparing and treating an existing surface with bituminous material and blotter material, if required, in accordance with these specifications and in reasonably close conformity with the lines shown on the plans or established by the engineer.

Bases and other areas to be primed shall be as follows:

1. All cement or lime stabilized bases or sub bases, regardless of pavement thickness.
2. All bases, sub bases or other area, with the exception of asphaltic concrete or sand asphalt bases or sub bases, on which bituminous surface treatment is to be placed.

3. All bases, sub bases or other areas on which less than five inches, total thickness, of hot mix asphaltic concrete is to be placed, with the exception of asphaltic concrete bases.

11.02 *Materials.* Unless otherwise specified, the types of bituminous materials shall be selected by the contractor. The engineer will determine the grade of materials to be used. The specifications for the bituminous materials are:

	<i>Latest Revision GA D.O.T, Spec. or as Amended</i>
Cut back Asphalt, RC-30, RC-70 RC-250, or MC-250, MC30 or MC70	821.01
Emulsified Asphalt, EAP-a	822.01
Tars, RT-2, RT-3	8270.1
Cut back Asphalt Emulsion, CBAE-2	823.01
Blotter Materials (Sand)	412.04 F.3

11.03 *Equipment.* The contractor shall provide sufficient equipment in good repair. The following units shall be minimum requirements:

- Pressure distributor
- Power Broom and blower
- Aggregate spreader (if required)

11.04 *Construction.*

- A. *Weather limitations.* Bituminous prime shall not be applied on a wet surface or when the temperature of the air is below 40 degrees F in the shade. Prime shall not be applied when rain threatens, nor when weather conditions would prevent proper construction of prime coat.
- B. *Conditions of surface.* The surface to which the prime is to be applied shall be finished to the line, grades, and cross-section specified. The surface shall be uniformly compact and bonded. All irregularities occurring in the surface shall be corrected in accordance with the specifications for the particular construction being primed.
1. *Cleaning.* All loose material, dust, caked clay, and all other material likely to prevent bonding of the prime with the surface shall be swept and blown from the road to the full width of the prime and two feet more on each side, with power sweepers and blowers and, where necessary, by hand.
  2. *Moisture.* The surface shall be only slightly damp. If it is too wet, it shall be allowed to dry. If it is too dry, the engineer may require that it be sprinkled lightly, just before it is primed.
  3. *Temperature and surface texture.* The surface texture and condition of the surface govern the choice of the grades of bituminous material to be used.

The following table shows the grades and temperature of application of bituminous materials as they are applied to various surface textures.

<i>Texture of Base For Various Types and Grades of Prime and Temperatures of Application</i>							
Texture of Base	Tight	Average	Open	Tight	Open	ALL	ALL
Materials and Grade	MC-30 RC-30	RC-70 or MC-70	RC-250 or MC-250	RT-2	RT-3	CBAE	EAP-1
<i>Temperature of Application</i>							
Degrees F	80 to 100	105 to 180	145 to 220	80 to 120	90 to 140	120 to 160	80 to 150

- C. *Amount and extent of prime.* The exact amount of bituminous material to be used will be determined by the engineer within the minimum and maximum rates of 0.15 to 0.30 gallons per square yard.

When the amount to be used has been determined, the contractor shall apply it uniformly and accurately. The amount applied to any 1/2 mile shall be within five percent of that specified. The prime shall be applied to the full width of the proposed wearing surface which is to be superimposed plus six inches on each side.

- D. *Heating and applying bituminous prime.*
  1. *Temperature.* The exact temperature for applying bituminous prime will be determined by the engineer, within the limits shown.
  2. *Methods.* The heating and applying bituminous materials shall be done as specified.

- E. *Protection, curing and maintenance.*
  1. *Closing to traffic.* The primed surface shall be closed to all traffic and left undisturbed for so long as necessary for the prime to thoroughly cure and until it does not pick up under traffic.
  2. *Rolling.* If the surface becomes soft after it is primed, the surface shall be rolled longitudinally with a pneumatic-tired roller at not more than six miles per hour until the whole surface is firmly set.
  3. *Blotting.* If necessary to prevent the prime from being picked up, clean, dry, sharp sand shall be spread by hand or mechanically over the surface. Sand shall only be applied to places that are tacky, and the amount shall be the least needed to prevent picking up. No extra payment for this work or material will be made.
  4. *Opening to traffic.* After rolling and sanding (if it is required) have been done, the primed surface may be opened to ordinary traffic, subject to conditions stated in paragraph 1 above.
  5. *Maintenance.* The contractor shall maintain the prime coat and the surface of the course primed until it is covered by other construction. All excess bituminous material shall be removed.

**Sec. 12 - Bituminous Tack Coat.**

*12.01 Description.* This work shall consist of furnishing and applying a bituminous tack coat on a prepared road surface. It also includes cleaning the road surface.

*12.02 Materials.* All material shall meet the requirements of the following specifications:

Asphalt Cement, viscosity Grade AC-10, AC-20	820.1
Cationic Emulsified Asphalt CRS-2 or CRS-3	824.01

*12.03 Equipment.* The contractor shall provide sufficient equipment in good repair, including at least the following units:

- Power broom and blower
- Pressure distributor

*12.04 Construction.*

- A. *Seasonal and weather limitation.* Tack coat shall not be applied when the existing surface is wet or frozen. Emulsified asphalt shall not be placed when the air temperature is less than 40 degrees F.

- B. *Application.* The entire areas to be paved shall be coated with the tack coat. The engineer may require the application of all tack coats by use of distributor spray bars in lieu of hand hoses, except in small areas inaccessible to spray bars.
- C. *Temperature.* The temperature of the bituminous material at the time of application is specified below. The application temperature for asphalt cement should be near the upper limit of the temperature range specified.

<i>Bituminous Materials Temperature of Application (Degrees F)</i>	
Asphalt Cement	325 to 375
CRS-2h	140 to 180
CRS-3	140 to 180

- D. *Cleaning.* Just prior to the application of the tack coat, the entire area shall be cleaned until it is free from all loose dirt, clay and other objectionable materials.
- E. *Amount.* The rate of application of bituminous tack coat will be determined by the engineer.
- F. *Limitations and area coated.* No more tack coat shall be applied to the prepared road surface than can be covered with the new pavement course during normal working hours of the same working day in which the tack coat is applied.
- G. *Maintenance and protection.* After the tack coat material is applied, it shall be allowed to break until it is tacky enough to receive the surface course. Traffic shall not be allowed on the tack.

**Sec. 13 - Miscellaneous Concrete.**

*13.01 Description.* This work shall consist of placing Portland cement concrete as slope paving on end rolls, cut slopes, paved ditches, spillways, and ditch slopes; in median pavement; as sidewalks; in concrete curbs, gutters, curb and valley gutters; non-reinforced headwalls; velocity dissipaters, concrete slope drains of the specified; concrete spillways and at other locations where designated on the plans or directed. It includes all subgrade preparation including fine grading and backfilling; the forming, furnishing, placing and finishing of concrete; constructing weep holes and furnishing and placing the coarse aggregate therefore; as well as furnishing and placing performed joint fillers as indicated on the plans.

*13.02 Construction.*

- A. *Extent and thickness of pavement.* Areas to be paved together with their dimensions shall be as indicated on the plans.

Thicknesses shall not be subject to a minimum tolerance of 1/2 inch. Overlay pours will not be permitted.

- B. *Preparation of subgrade.* The subgrade for miscellaneous concrete shall be finished to line and grade as indicated on the plans and compacted to the same degree as the portion of the roadway on which it is placed. For contracts involving both roadway and bridge contractors, the grading for the slope paving shall be completed by the roadway contractor. Final grading, compacting, dressing, placing and maintaining until structures are completed shall be the responsibility of the bridge contractor. Responsibility for each portion of the work shall be as noted on the plans.

Where paving is to be placed on front slopes of ditches and shoulders, any special materials required shall be placed during the appropriate roadway construction.

Excavation for toe walls, edge walls, weep hole drain pockets, placing of coarse aggregate in weep hole drain pockets, and all grading, finishing and compacting of the subgrade surface shall be accomplished prior to placing concrete. Mechanical tamps may be required to secure satisfactory compaction.

Excavation for velocity dissipaters, spillways, and slope drains shall not be carried below the foundation elevation or wider than necessary to provide working space or to remove soft unsuitable material and backfill with selected material. Where spillways are to be fitted to concrete pavement, the specified dowel bars shall be set into pavement when it is laid. Metal parting strips may be used to hold the ends of dowels bent into the grooves.

- C. *Forms.* Forms may be of nominal dimension wood or metal and shall be approved by the engineer. All forms shall be straight and oiled prior to each use.

Divider plates and templates shall be of metal.

Items which lend themselves to the slip form method of placement may be so constructed. The engineer, however, reserves the right to require the use of fixed forms in the event the slip form methods fails to produce a product which conforms to the requirements for quality, shape, grade, or alignment.

- D. *Weep holes.* Weep hole drain pockets filled with coarse aggregate together with weep hole drain pipe or formed opening shall be provided in accordance with plan details.

- E. *Concrete.*

1. *Mixing.* The mixing of Class "B" concrete shall be as specified.

- a. Small capacity job-site batchers and one bag misers may be used.
- b. Concrete ingredients may be proportioned volumetrically, provided the equipment calibration and operation of the equipment are approved by the engineer.

2. *Placing and finishing.* Concrete shall not be placed on a muddy or frozen surface. It shall be deposited within forms or against other pavements on a compacted and wetted subgrade to the depth required to produce the specified thickness. It shall be struck off to a plane surface and finished.

- a. Concrete slope paving. Shall be given a final finish with a stiff broom. With the engineer's approval, concrete may be mechanically conveyed to the forms.
- b. *Concrete sidewalks.* Shall be given a Type V finish, except for the final finish, when so indicated on the plans, shall be made by stiff-bristle brooming. The surface shall be tested with a ten foot straightedge laid parallel to the centerline. Any irregularities in excess of 14 inched in ten feet shall be eliminated while the concrete is still plastic.
- c. *Concrete paved ditches.* The surface of the bottom and sides of paved ditches shall be uniform in appearance and true to grade and cross-section. On straight-grade tangents there shall be no deviation of more than one inch in ten feet, zero inches when tested with a ten-foot straightedge. The one inch in ten feet, zero inches tolerance will not be permissible if it reduces the thickness of the ditch paving, ponds water, or alters the direction flow.

Finish for ditch paving shall be accomplished by floating with wood floats sufficiently to bring mortar to the surface in the amount necessary to cover the coarse aggregate.

Reinforcing, if required, shall conform to plan details.

- d. *Concrete curbs, gutters, and medians.* Shall be finished in accordance with "c" above. Face forms shall be removed as soon as possible and the exposed surfaces



finished with a wood float. Straight edging, done along the edge of the gutter and top of the curb and median shall conform to those requirements for the adjacent pavement, but with no irregularities to exceed  $\frac{1}{4}$  inch in ten feet.

Machine methods of placing may be used providing the end result is satisfactory.

F. *Joints.*

- a. *Slope paving.* Placing may be done in either horizontal or vertical courses, but not a mixture of both. Horizontal courses shall be approximately level and not less than three nor more than six feet in width measured along the slope. Trapezoidal courses at the top and bottom will be permitted to accommodate sloping berm and ditch line conditions. At construction joints between courses, the paving shall be edged with a tool having  $\frac{1}{4}$  inch radius.

Vertical contraction or construction joints spaced along the horizontal course at right angles to the horizontal construction joints shall be provided at approximately 40 foot intervals, in line and not staggered. No other vertical lines will be required in horizontal courses. When vertical contraction joints are used, they shall be cut with a single tool  $\frac{1}{3}$  the depth of paving during the finishing operation and shall be edged the same as construction joints.

Vertical courses shall be approximately equal, and course widths shall not be less than three nor more than five feet measured across the plane of the slope. The width would preferable be four feet. No horizontal lines will be required in vertical courses.

Slope paving shall be separated from masonry of structures, sidewalks, curbs and rigid type roadway pavement by preformed joint filler having a thickness of  $\frac{1}{2}$  inch.

b. *Concrete paved ditches.*

1. Contraction joints shall be spaced at 30 foot intervals.
2. Expansion joints shall be placed only where the paved ditch joins the roadway pavement or some other structure.
3. Joint sealers will not be required for either expansion or contraction joints.

- c. *Concrete sidewalk.* Transverse contraction joints shall be formed with a tool designed to form a groove  $\frac{1}{3}$  the depth of the sidewalk at intervals as indicated on standard plans. Where sidewalks abut curb and gutter, alternate joints shall coincide. All edges shall be rounded with a  $\frac{1}{4}$  inch edger. Expansion joints shall be of the materials, dimensions, and at locations specified on the plans.

d. *Concrete curbs, gutters and medians.*

1. *Contraction joints.* Adjacent to concrete paving, the spacing of joints in curb and gutters and medians shall be arranged to coincide with the joint spacing in paving. Joints may be formed by metal divider plates or sawed. The depth of the joint shall be not less than  $\frac{1}{5}$  nor more than  $\frac{1}{4}$  in depth of the concrete. With the exception of sawed joints, all joints shall be finished with a  $\frac{1}{4}$  inch edging tool. For curbs, gutters and medians adjacent to pavement other than concrete, contraction joints shall be as follows:
  - (a) *For header curb and combination curb and gutter:* Install a contraction joint at a maximum spacing of 20 feet.
  - (b) *For gutter and median:* Install a contraction joint at a maximum spacing of 20 feet.
2. *Expansion joints.* Expansion joints shall be formed in accordance with plan details or as directed. They shall coincide with the expansion joints in the adjoining pavement or gutter. All joint filters shall be cut to the same cross-

section as the construction. Any material protruding after the concrete is finished shall be trimmed flush. When these items are not adjacent to concrete construction, expansion joints shall be provided at a minimum interval of 500 feet.

3. *Curing.* Any method of curing specified. Membrane curing compound, if used, shall be Type 2. Honeycombed areas shall be packed as soon as forms are removed.
- G. *Backfilling.* The areas shall be satisfactorily backfilled as soon as possible so the work will not be damaged.
- H. *Clean-up.* When all concrete work has been completed, the surfaces shall be cleaned and brought to a uniform appearance. The work shall be protected from staining or other damage until final acceptance.

**Sec. 14 - Concrete Structures.**

*14.01 Description.* This work shall consist of the manufacture and utilization of Portland cement concrete in the construction of structures.

*14.02 Materials.* All material shall meet the requirements of the following specifications:

- Coarse aggregate . . . Section 18.01
- Fine Aggregate size No. 10 . . . Section 19.02
- Damp proofing or waterproofing material (bituminous)
- \*\*Portland cement . . . Section 23.01
- \*\*Portland-Pozzolan cement . . . Section 23.03
- Admixtures:
  - Air entraining admixtures . . . Section 24.01
  - Retarding admixtures . . . Section 24.02
  - Water reducing admixtures . . . Section 24.02
  - Fly ash . . . Section 24.03

\*Coarse aggregate may be either Class A or B of the designated size except when limestone or dolomite is used in bridge structures. When limestone or dolomite is used in bridge length structures, Class A coarse aggregate is required.

\*\*Type I or Type II Portland cement or Type IP Portland Pozzolan cement shall be used unless otherwise specified. Air entraining cement shall not be used.

Bridge sections containing duct enclosures for stressing tendons shall be constructed with concrete No. 7 stone as maximum size.

*14.03 Classes and uses of concrete.*

- A. *General.* Classes and specific requirements for each class of concrete are tabulated in the concrete mix table. The specific class of concrete to be used in a particular component of a structure will be shown on the plans or called for in the specifications. Various classes of concrete for specified uses shall be as follows:

- Class AAA—Pre-stressed concrete.
- Class AA1—Precast concrete as called for on plans.

*Note No. 1:* This class may be used as high-early strength concrete if approved by the engineer. The engineer may approve the use of Type III cement in concrete used for this purpose. The engineer may also specify the rate of compressive strength development when

this concrete is used to expedite the contract. The contractor shall not be granted additional compensation for the use of this class of concrete when it is used at his request or used to expedite the contract.

Class AA—Bridge superstructure concrete or precast concrete as called for on plans.

Class A—General Purposes.

*Note No. 2:* Class A concrete deposited in water, hereinafter referred to as seal concrete, shall be non-air entrained with ten percent additional cement and sufficient additional water to provide a six to eight inch slump.

Class B—Massive section or lightly reinforced sections or miscellaneous non-structural concrete.

Class CS (Portland cement concrete sub base).

*Note No. 3:* Class CS (Portland cement concrete base): This class to be used as a sub base where required by the plans. Concrete sub base may be composed of a mixture of Portland cement and graded aggregate or Portland cement, aggregate, and sand.

- B. *Admixtures.* Additives are required when specified herein or as directed by the engineer.
1. *Air-entraining admixtures.* Air entraining additives are required for all bridge structure concrete except seal concrete and non-exposed footings. The agent may be used in other concrete to improve workability when job or materials conditions dictate. When used as an option to improve workability or when required, the amount of entrained air shall not exceed the upper limit of entrained air content requirement.
  2. *Retarding admixtures.* Concrete retarding additives shall be used in bridge concrete when the average temperature is above 65 degrees F. (average of expected high and the predicted low). Normally, the additives will not be required for bridge curbs, handrails, crosswalks, or other appurtenances constructed separately from the decks. The use of retarders may be waived by the Engineer in substructure concrete and can be placed within one hour after batching.
  3. *Water reducing admixtures.* Water reducing agents may be used in Class AA concrete for bridge decks when conditions do not require the use of retarder. The agent may be used in other concrete when job or materials conditions dictate a reduction in water requirements or when minimal retardation of set is desired. Type "F" water reducing admixtures may be allowed by the Engineer where requested by the contractor.  
Ridge sections containing duct enclosures for stressing tendons may be constructed with concrete utilizing Type F (AASHTO:M-194) water reducer as approved by the engineer.
  4. *Fly ash.* Fly ash may be used as an additive in all concrete to promote workability and plasticity. Fly ash may be used as a partial replacement for Portland cement in all concrete, except class "CS", provided for the following limits are met:
    - a. The quantity of cement replaced shall be no more than eight percent by weight.
    - b. Cement shall be replaced by fly ash at the rate of 1.5 to 2.0 lbs. of fly ash to 1.0 lbs. of cement.
    - c. The fly ash mix shall conform to the provisions of Table C-1.
    - d. Type IP cement shall not be used in mixes containing fly ash.

*14.04 Quality of concrete.*

- A. *General.* The contractor shall be responsible for concrete mix designs, batching, mixing, delivering, and placing concrete in accordance with the specifications. Concrete mixes shall meet requirements of the concrete mix table. Properties of concrete will be determined by the applicable method in the Sampling, Testing and Inspection Manual.
- B. *Concrete mix designs.* Concrete mix designs shall be submitted to the engineer for approval. Mix proportions that contain materials from approved sources and produce concrete that meets these specifications will be approved. Concrete mix design proportions may be approved by a method listed in Table C-1.

***Sec. 15 - Storm Drain Pipe, Pipe-arch Culverts and Side Drain pipe.***

*15.01 Description.* This work shall consist of furnishing and installing storm drain pipe; pipe-arch culverts; tapered pipe inlets; flared end section: bituminous coated, smooth lined, asbestos bonded, corrugated metal pipe; and side drain pipe. The type of pipe to be used, together with acceptable alternates when applicable, shall be as designated on the plans.

*15.02 Materials.* Materials shall meet the requirements of the following:

- Backfill materials
- Reinforced concrete pipe
- Non reinforced concrete pipe
- Corrugated steel pipe
- Bituminous coated corrugated steel pipe
- Cast iron pipe, fittings and joints
- Bituminous coated, galvanized steel culverts

*15.03 Construction.*

- A. *General requirements.* Structures shall be installed in accordance with specifications and in reasonably close conformance with the details shown on the plans or as directed. Structure excavation and foundation preparation shall be as set forth in Section 5. Before pipe and pipe-arches are installed the foundation material shall be shaped as shown on plans.

The contractor shall provide necessary temporary drainage.

Before any traffic over a culvert is allowed, the contractor shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. Any damage or traffic or erosion shall be repaired or corrected at the contractor's expense. Any debris or silt that constricts the flow through a pipe shall be removed by the contractor as often as necessary to maintain drainage throughout the life of the contract. All pipes and pipe-arch culverts shall be cleaned before the work is accepted.

- B. *Installation.*

- 1. *Concrete pipe.* Flat bottom and circular sections shall be laid in a prepared trench with the socket ends pointing upstream. Sections may be joined by mortar joints, bituminous plastic cement joints, rubber-type gasket joints, O-ringed gasket joints, or preformed plastic gasket joints. In mortar and bituminous plastic joints the annular space shall be filled with the joint material, and inside of each joint wiped smooth. Mortar joints shall be made in the same manner except that the annular space shall be thoroughly wetted before filling with joint material, after the initial set, the mortar on the outside shall be protected from the air and sun with thoroughly wet earth or burlap cover. Rubber-type, O-ring, and preformed plastic gasket joints shall be installed in accordance with the manufacturer's recommendations.

2. *Cast iron pipe.* Pipe sections shall be laid in a prepared trench with bells pointing upstream. The annular space in each joint mortar or bituminous plastic cement as specified of concrete pipe, and each joint wiped smooth. Rubber gasket joints shall be installed in accordance with the manufacturer's recommendations.
3. *Corrugated aluminum or steel pipe and pipe arches.* Pipe sections shall be laid in a prepared trench with outside laps of circumferential joints pointing upstream and with longitudinal joints at the sides. Helical coupling bands, fastened by two or more bolts, shall join the sections. The space between adjoining sections shall be not more than the width of one corrugation.  
All damaged spots in galvanized coating that expose the base metal shall be repaired before the structure is backfilled. All damaged spots in bituminous coating that expose the base metal shall be recoated with asphalt before the structure is backfilled.  
Joints for smooth lines asbestos bonded, corrugated steel pipe shall be formed with an "O-ring" type mechanical seal assembly when so detailed on the plans. Seal assembly should be burnished by the same manufacturer that supplies the pipe.
4. *Specials (wyes, tees, and bends).* The location and manner of installation of all wyes, tees and bends shall be shown on the plans as directed.
5. *Tapered pipe inlets.* Tapered pipe inlet end sections will be installed where shown on the plans or as directed.
6. *Elongation.* Elongation of metal pipe shall be as shown on the plans. The contractor shall order the elongation of the vertical axis of the pipe to be done in the shop.  
Metal pipe shall be shipped with wire-tie in the pipe ends. Wire ties shall be removed as soon as possible after the fill is completed.
7. *[Flared end sections.]* Flared end sections may be specified for use either on the inlet or outlet or both ends of storm drain pipe according to plan details.

**Sec. 16 - Rip Rap.**

*16.01 Description.* This work shall consist of placing protective coverings of sand-cement bag rip rap, stone rip rap, and where called on fill slopes, cut slopes, end rolls, shoulders, ditches stream banks, channel banks, and at other locations required by the plans or the engineer.

*16.02 Materials.* All materials shall meet the requirements of the following specifications:

Portland cement . . . Section 23.01.

Rip rap (stone).

Bags for sand-cement bag rip rap: The bags shall be of cotton, burlap, or fiber reinforced paper capable of containing the sand-cement mixture without leakage during handling and placing. Bags previously used for sugar or any other material which will adversely affect the sand-cement mixture shall not be used. Capacity shall be not less than 0.75 cubic foot minimum nor more than two cubic feet maximum.

*16.03 Construction.* This work shall be constructed in accordance with the following requirements:

- A. *Preparation of foundations.* The ground surface upon which the rip rap is to be placed shall be brought in reasonably close conformity to the correct lines and grades before placement commences. Where filling of depressions is required, the new material shall be compacted with hand or mechanical tampers. Excess material shall be disposed of by spreading it neatly with the right-of-way, as an incidental part of the work. Unless otherwise shown or provided below, rip rap shall begin in a toe ditch constructed in original ground around the toe of the fill or the cut slope. The toe ditch shall be two feet deep in original ground and the

side next to the fill or cut shall have the same slope. After the rip rap is placed, the toe ditch shall be backfilled and the excess dirt spread neatly within the right-of-way, as an incidental part of the work. Where rip rap is to commence in water or below normal water level the toe ditch will be omitted and an apron of rip rap shall be substituted. The width and thickness of this apron shall be as shown or as determined by the engineer.

- B. *Placement of stone rip rap.* Rip rap shall be placed to the limits shown on the plans or as directed by the engineer. Rip rap shall be classified and placed as follows:
1. *Stone plain rip rap.* Stone plain rip rap shall be dumped and handled into place to form a compact layer to the design thickness. The thickness tolerance for the course shall be plus 12 inches with no under-tolerance. If the plans do not show a thickness, stone rip rap shall be placed to a thickness of not less than 12 inches and not more than 24 inches.
  2. *Stone dumped rip rap.* Stone dumped rip rap shall be dumped into place to form a uniform surface and to the thickness specified in the plans. The thickness tolerance for the course shall be minus six inches and plus 12 inches. If the plans or proposal do not specify a thickness, the course shall be placed to thickness of not less than 24 inches.
- C. *Sand-cement bag rip rap.*
1. *Proportioning materials.* Sand and Portland cement shall be mixed at the maximum ratio of 5:1 by weight, and shall obtain a minimum compressive strength of 500 psi in seven days. For sand-cement bag rip rap, the amount of water used shall be just enough to make up the optimum moisture content of the aggregate and cement, as determined by AASHTO: T-134.
  2. *Placement.* The bags shall be uniformly filled to the maximum capacity which will permit satisfactory tying. The bagged rip rap shall be placed by hand with the tied ends facing the same direction, with close, broken joints. When directed by the engineer or required by the plans, header courses shall be placed. After placing, the bags shall be rammed or packed against one another to produce the required thickness and from a consolidated mass. The top of each bag shall not vary more than three inches above or below the required plane.

**Sec. 17 - Jacking or Boring Pit.**

Corrugated metal pipe . . . Section 15.

Concrete pipe . . . Section 15.

Steel pipe . . . AWWA.

Cast iron pipe . . . AWWA.

Ductile iron pipe (plain ends) . . . AWWA.

*17.03 Construction.*

A. *Jacking.*

1. When required, suitable pits or trenches shall be excavated for the jacking operation and for placing the end joints of pipe. Where necessary, they shall be securely sheeted and braced to prevent caving.
2. Where pipe is required to be installed under railroads, highways, streets or other facilities by jacking or boring methods, construction shall be done in a manner that will not interfere with the operation of the facility, and shall not weaken the roadbed or structure.

3. Jacks for forcing the pipe through the roadbed shall have a jacking head constructed in such a manner as to apply uniform pressure around the ring of the pipe. The pipe to be jacked shall be set on guides, braced together, to properly support the section of the pipe and direct it to the proper line and grade. In general, roadbed material shall be excavated just ahead of the pipe, the excavated material removed through the pipe, and the pipe then forced through the roadbed into the excavated space.
  4. The contractor shall furnish for the engineer's approval, a plan showing his proposed method of handling, including the design for the jacking head, jacking support or back stop, arrangement and position of jacks, pipe guides, etc., complete as assembled. If the contractor elects to weld steel pipe or ductile pipe as a casing and carrier, he shall furnish to the stated materials and research engineer in writing an acceptable welding procedure. This will consist of joint details, preheat temperature and electrodes to be used. The use of welded steel pipe as a sanitary sewer carrier will not be permitted.
  5. The diameter of the excavation shall conform to the outside diameter and circumference of the pipe as closely as practicable. Any voids which develop during the installation operation and which are determined by the engineer to be detrimental to the work shall be pressure grouted with an approved mix.
  6. The distance that the excavation extends beyond the end of the pipe will depend upon the character of the excavated material, but shall not exceed two feet in any case. This distance shall be decreased on instructions from the engineer if the character of the material being excavated makes it desirable.
  7. The pipe shall be jacked from the low or downstream end. Variation in the final position of the pipe from the line and grade established by the engineer will be permitted only to the extent of two percent in lateral alignment, and one percent in vertical grade, providing that the final grade of flow line shall be in the direction indicated on the plans.
  8. If the contractor desires, he may use a cutting edge around the head end and extending a short distance beyond the pipe end, with inside angles or lugs to keep the cutting edge from slipping back into the pipe.
  9. When jacking of pipe is begun, the operation shall be carried on without interruption, insofar as practicable, to prevent the pipe from becoming firmly set in the embankment.
  10. Any pipe damaged in jacking operations shall be removed and replaced by the Contractor at his expense.
  11. The pits or trenches excavated to facilitate jacking operations shall be backfilled immediately after the jacking has been completed.
- B. *Boring.* The boring shall proceed from a pit provided for the boring equipment and workmen. Excavation for pits and installation of shoring shall be outlined as above. The location of the pit shall meet the approval of the engineer. The holes are to be bored mechanically. The boring may be done using a pilot approximately two inches in diameter which shall be bored the entire length of the installation and shall be checked for line and grade on the opposite end of the bore from the work pit. This pilot hole shall serve as the centerline of the larger diameter hole to be bored. Excavated material will be placed near the top of the working pit and disposed of as required. The use of water or other fluids in connection with the boring operation will be permitted only to the extent necessary to lubricate cuttings. Jetting will not be permitted.
1. Allowable variation from line and grade shall be as specified under jacking. The diameter of the excavation shall conform to the outside diameter of the pipe as closely

as practicable. Any voids which develop during installation operation and are determined by the engineer to be detrimental to the work, shall be pressure grouted with an approved mix.

**Sec. 18 - Coarse Aggregate.**

*18.01 Coarse aggregate.*

A. *Detrimental substance.* The amount of detrimental substances in coarse aggregate shall not exceed the limits listed under the following items:

1. *Portland cement concrete.*
  - a. Mica schist—5%. Mica Schist is qualitatively considered to be those materials defined in ASTM: C 294 as phyllite or schist. To assist in the quantitative analysis of these materials, AASHTO: 7189. Soft fragments may be used.
  - b. Materials passing the No. 200 sieve—1.5%.
  - c. Flat or elongated pieces (length greater than five times average thickness)—10%.
  - d. Sulphur content computed as sulfide sulphur for bridge type structures—0.01%. When the sulphur content exceeds the above maximum in the aggregate, the aggregate shall not be used unless it passes weathering test equivalent to six months or more exposure and a petrographic analysis.
  - e. Deleterious reaction. Aggregate capable of producing a deleterious reaction when combined with Portland cement shall not be used in Portland cement concrete.
  - f. Other local detrimental substances—2.0%.
2. *Asphaltic concrete.*
  - a. Flat or Elongated Particles (length greater than five times average thickness)—10%.
  - b. Glassy particles (slag)—30%.
  - c. Other Local Detrimental Substances—2%.
  - d. Fractured faces (gravel)—Crushed gravel shall consist of siliceous particles of which a minimum of 85%, by count, of the material retained on the #4 sieve shall have one or more fractured faces, fractured for the approximate average diameter or thickness of the particle.
3. *Surface treatment.*
  - a. Material finer than #200 sieve—1%.
  - b. Flat or elongated particles (length greater than five times average thickness)—10%.
  - c. Glassy particles (slag)—30%.
  - d. Fractured faces (gravel)—Crushed gravel shall consist of siliceous particles of which a minimum of 85%, by count, of the material retained on the #4 sieve shall have one or more fractured faces, fractured for the approximate average diameter or thickness of the particle.



- B. *Classes.* Coarse aggregate is classified in accordance with the following physical properties which will govern its use:

<i>Percent Wear AASHTO T-96</i>		
	<i>Class A</i>	<i>Class B</i>
Group I Aggregate	0—40	41—60
Group II	0—50	51—65

- C. *Types.*
1. *Crushed stone.* Crushed stone shall consist of sound, durable particles of rock of the class and gradation specified.
  2. *Gravel.* Gravel shall consist of sound, durable rock, free from injurious amounts of coatings of any kind, and shall be of the class and gradation specified.
  3. *Crushed slag.* Crushed slag shall consist of sound, durable particles of air-cooled blast-furnace slag, reasonably uniform in density and quality and shall be of the class and gradation specified. In addition to air-cooled blast furnace slag, other slags having demonstrated a satisfactory service record may be used. Dry slag shall weigh not less than 70 pounds per cubic foot compacted and shall not contain more than 30 percent by weight of glassy particles. Slag will not be permitted as an aggregate for Portland cement concrete.
  4. *Synthetic aggregate.* Synthetic aggregate consist of expanded clay or shale or other manufactured product which is sound, durable, and of the class and gradation specified.
- D. *Groups.*
1. *Group I.* This aggregate shall be limestone, marble or dolomite, or combination thereof. When used in Portland cement concrete of any type or class, it shall meet the abrasion requirement for Class A stone.
  2. *Group II.* This aggregate shall be slag, gravel, granite, gneiss, quartzite, synthetic aggregate, or combination thereof.
- E. *Grading.* Coarse aggregate shall be well graded between the limits specified and the size or sizes designated shall conform to the limits shown in Table S-1.
- F. *Tests.* Methods of tests shall be in accordance with the following:

Soft Fragments	AASHTO T- 189
Coal and Lignite	AASHTO T- 113
Material passing No. 2 sieve	AASHTO T- 11
Sulphur Content	AASHTO T-E 30, Evolution Method
Weathering Test	ASTM- E 42
Petrographic Analysis	ASTM C 295
Soundness (magnesium sulfate)	AASHTO T-104
Percent Wear	AASHTO T-96
Aggregate Gradation	AASHTO T-27
Reactivity	AASHTO C-227, C-289, and C-586

**Sec. 19 - Omitted.**

**Sec. 20 - Backfill Materials.**

20.01 *Foundation backfill, Type I.* Type I backfill material shall be composed of natural or artificial mixtures of materials consisting of hard, durable particles of sand or stone, together with silt, clay and/or humus material. Maximum dry density shall be not less than 100# /cubic foot.

20.02 *Foundation backfill, Type II.* Type II backfill material shall be crushed stone, well-graded from coarse to fine, other aggregate, or an approved sand-gravel mixture. No overburden or decomposed and/or disintegrated rock will be allowed. All aggregate shall be manufactured from Class A or B coarse aggregate.

A. *Gradation.* The material shall meet the following gradation requirements:

<i>Size</i>	<i>Percent by Weight</i>
Passing 1½" Sieve	100
Passing 1" Sieve	80—100
Passing No. 8 Sieve	0—5
Sieve Analysis	AASHTO: T27

20.03 *Imperfect trench backfill, Type III.* Type III backfill material shall be a natural soil having a density of not more than 95 pounds per cubic foot when tested in accordance with GHD:7, or shall be an artificial mixture of soil and organic material, such as hay, leaves or straw. The mixture, including percentages of each material, shall be as approved by the laboratory.

**Sec. 21 - Omitted.**

**Sec. 22 - Hot Mix Asphaltic Concrete Mixtures.**

22.01 All hot mix asphaltic concrete mixtures shall be composed, mixed, transported, applied, and compacted in place in accordance with Georgia Department of Transportation specifications for Type "E" mix for use in residential areas. Acceleration and Deceleration lanes adjacent to collector and arterial streets shall be constructed using Type "E" and Type "B" asphalt plant mix. Thickness of each layer of asphalt shall be as designed by the engineer or as directed by the County Engineer.

**Sec. 23 - Cement.**

23.01 *Portland cement.* Portland cement shall meet the requirements of AASHTO: M85 and, in addition, cement which is to be used in Portland cement concrete shall meet the low alkali and the false set requirements of that specification. Cement which has been damaged, or which is partially set, lumpy, or caked shall not be used.

- A. *Types.* Type I or Type II Portland cement shall be used for all Portland cement concrete, except high early strength concrete. If high early strength is used Type I or Type III Portland cement will be permitted.
- B. *Blends.* Different brands of cement, different types of cement, or the same grade of cement, but from different mills, shall not be mixed or placed in the same storage bin.

23.02 *Portland blast—Furnace slag cement.* Portland blast—Furnace slag cement for use in cement stabilization shall be the requirements of AASHTO: M 240, Type IS.

23.03 *Portland-Pozzolan cement.* Portland-Pozzolan cement shall meet the requirements of AASHTO: M240, Type IP, with the following modifications:

- A. The fly ash content shall be limited to a maximum of 25 percent by weight.
- B. The Pozzolan shall be limited to fly ash meeting the requirement of fly ash.

**Sec. 24 - Admixtures.**

*24.01 Air entraining admixtures.* Materials for air enhancement in Portland cement concrete mixtures shall meet the requirements of AASHTO:M 154. Compression and flexure tests shall be made at 7 and 28 days.

*24.02 Chemical admixtures for concrete.* Chemical admixtures for concrete shall meet the requirements for Type A, B, C, D, and F ASTM: C494, unless otherwise specified. The length change requirements are waived. The admixtures shall contain no more than 0.8% chloride calculated as calcium chloride and the air content shall not exceed 4.0% when prepared in a standard batch without addition or air entraining agent.

*24.03 Fly ash.* Fly ash is the finely divided residue that results from the combustion of ground or powdered coal and is transported from the boiler by flue [flue] gases. For these specifications, it is divided into two types, Type A and Type B, the type to be designated for specific usage.

*Type A:* This type of fly ash is used as an admixture in Portland cement concrete to promote workability and plasticity. The material shall meet the requirements of ASTM: C 618.

*Type B:* This type of fly ash is used as a partial replacement for Portland cement in Portland cement concrete. The material shall meet the following requirements:

A. *Chemical.*

Silica on dioxide (SiO <sup>2</sup> ) + Aluminum oxide (Al <sup>2</sup> O <sup>3</sup> ) + Iron oxide (Fe <sup>2</sup> O <sup>3</sup> ) Minimum, percent	70.00
Silica on dioxide (SiO <sup>2</sup> ) Minimum, percent	40.00
Aluminum oxide (Al <sup>2</sup> O <sup>3</sup> )	15.00
Magnesium oxide (MgO) Maximum, percent	3.00
Sulphur trioxide (SO <sup>3</sup> ) Maximum, percent	3.00
Loss on ignition, Maximum, percent	6.00
Moisture content, Maximum, percent	3.00
Available alkalies as Na <sup>2</sup> O, Maximum, percent	1.50

B. *Physical.*

Percent retained on No. 325 sieve, 45u Maximum, percent	20.00
Pozzolanic activity index strength of lime pozzolan at 7 days, Minimum, psi	800.00
Change of drying shrinkage of mortar bars at 28 days, Maximum, percent	+0.03
Soundness	
Auto clave expansion of mortar bars, Maximum, percent	0.50

C. *Tests.* Laboratory tests for acceptance and project control will be selected by the engineer. Methods of tests shall be in accordance with the following:

Sampling and testing fly ash	ASTM: C311
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**Sec. 25 - Concrete Pipe.**

*25.01 Reinforced concrete pipe.* Reinforced pipe shall meet the requirements of AASHTO: M170 with the following modifications and additions:

- A. Coarse aggregate shall conform to the requirements of coarse aggregate, except that the requirements for gradation shall not apply.
- B. Fine aggregate shall be clean white concrete sand.

- C. Fly ash used as an admixture shall meet the requirements of fly ash, Type A.
- D. Before manufacture, the manufacturer may request approval of modified designs which differ from those given in the specifications.
- E. The manufacturer of concrete pipe shall file with the engineer a certificate stating that all concrete pipe manufactured in his plant for the use on the project contains at least the minimum requirements of reinforcement steel specified herein. The certificate shall be sworn to for the manufacturer by a person having legal authority to bind the company. The manufacturer shall submit with the certificate a guarantee providing that all concrete pipe will be placed, without cost to the purchaser, if the reinforcement steel does not meet these specifications; and the guarantee shall be worded so as to remain in effect as long as the manufacturer continues to furnish concrete pipe for the use on the project.

25.02 *Non-reinforced concrete pipe.* Non-reinforced concrete pipe intended to be used for the conveyance of sewage, industrial waste and storm water shall conform to the requirements of AASHTO: M86 with the following modifications and additions:

- A. Same as above.
- B. Same as above.
- C. Same as above.

<i>Non-Reinforced Pipe</i>		
<i>Internal Diameter in.</i>	<i>Minimum Thickness of Wall, in.<sup>(1)</sup></i>	<i>Minimum Strength lb/linear ft. Three-Edge Bearing</i>
12	1	1800
15	1¼	2000
18	1½	2200
21	1¾	2400
24	2	2600

NOTE <sup>(1)</sup>: Where tongue-and-groove pipe is furnished, it shall have a minimum wall thickness of 1¾ inch except that the above minimum thickness applies if the groove end is modified to give a groove thickness equal to three-fourths of the thickness of the wall of pipe. This measurement shall be taken one-quarter inch from the outer end of the groove.

- D. The ends of non-reinforced pipe shall be so formed that when the pipe are laid together and joined they make a conduit with a smooth and regular interior surface.

25.03 *Concrete underdrain pipe.* Unless otherwise restricted on the plans, concrete underdrain pipe may be extra strength porous concrete conforming to the requirements of AASHTO:M 176, or standard perforated non-reinforced concrete underdrain pipe conforming to the requirements of AASHTO: M 86, Table 1, both with the requirements of AASHTO: M86, Table 1, Class 1.

**Sec. 26 - Steel Pipe.**

26.01 *Corrugated steel culvert pipe and pipe arches.* Corrugated steel culvert pipe and pipe arches shall conform to the requirements of Type I or Type II culvert pipe AASHTO: M36 for the specified dimensions and thicknesses with the following exception:

Special sections, such as elbows and flared end sections for these conduits shall be of the same plate thickness as the conduit to which they are joined, and shall conform to the applicable requirements of AASHTO: m36.

*26.02 Bituminous coated corrugated steel culvert pipe.* Bituminous coated corrugated steel pipe shall conform to the requirements of AASHTO: M190 for the specified sectional dimensions, plate thickness and type of bituminous coating. Coupling bands shall be fully coated with bituminous material.

Special sections, such as elbows and flared end sections, for these conduits shall be of the same plate thickness as the conduit to which they are joined and shall conform to the applicable requirements of AASHTO: m190. Coating and invert paving shall be of the type specified.

*26.03 Steel structural plate for pipe, pipe arches, and arches.* Corrugated steel plate pipe, pipe arches and arches shall consist of structural plates and galvanized corrugated steel of the size, shape, and thickness shown on the plans. They shall conform to the requirements of AASHTO: M167 and AASHTO: M36, and the following additional requirements when applicable.

- A. *Bituminous coating.* If bituminous coating is specified, the coating shall meet all requirements above for the type specified. After the structure has been erected, but before any backfill has been placed, the contractor shall replace any coating which may have been removed or damaged during erection on inside or outside, with bituminous material.
- B. *Forming and punching plates.* After corrugating, each plate shall be curved to the proper radius, and the bolt holes shall be punched in accordance with dimensions shown on the plans. Bolt holes shall be in staggered rows two inches apart, and one hole shall be punched in the valley, and one in the crest of the corrugations for each longitudinal edge of each plate. The centers of the holes shall be not closer to the edge of the plate than two times the diameter of the holes. Bolt holes for circumferential seams shall be spaced not more than 12 inches center to center. The plates shall be of such thickness and curvature that when bolted together, the circles or arches formed will be in accordance with the plans and specifications for the structure.
- C. *Bolts.* Galvanized bolts, nuts and washers used in the fabrication of the structure shall be furnished by the manufacturer. They shall be at least  $\frac{11}{16}$  inch in diameter one to  $1\frac{3}{4}$  inches long, depending on the thickness and number of plates. The length of the bolts shall be measured from under side of the bolt head. The underside of the bolt head shall be so shaped that full bearing of the bolt head is obtained. The face of the nut shall be rounded to the same curvature as the corrugations unless a shaped washer providing full bearing for the nut is used.

***Sec. 27 - Omitted.***

***Sec. 28 - Pipe Appurtenances.***

*28.01 Flanges for cast iron pipe and fittings.* These flanges shall conform to ANSI: B 16.1 Class 125.

*28.02 Sewer joint sealing compound.* This hot pour sealing compound shall conform to the Federal Specifications SS-S 169.

*28.03 Resilient clay pipe joints.* These jointing connections shall conform to the requirements of ASTM: C 425.

*28.04 Rubber type gasket joints.*

- A. *Concrete pipe jointing.* Rubber type gaskets and joints shall conform to the requirements of AASHTO: M 198, Type A, except that for pipe to be used in culvert construction, exfiltration tests will not be required.

- B. *Cast iron pipe (all types)*. Rubber type gasket joints for cast iron and ductile cast iron pipe shall conform to the requirements of AWWA: C 111.
1. *Plain end pipe*. Plain end cast iron pipe may be joined with steel bolted couplings.  
Certification: The pipe, gasket or joint, manufacturer shall furnish to the engineer a certification showing physical properties of the rubber gasket and results of hydrostatic tests of the gasket and pipe to be used in the work.
- C. *Steel sewer and water pipe*.
1. Bell and spigot joints for steel water pipe and sewer pipe shall conform to AWWA: C 202. The rubber gasket material shall conform to AWWA: C 301.
  2. Plain end steel pipe may be joined with steel bolted couplings.

*28.05 Steel bolted couplings*. Steel bolted couplings for joining plain end pipe (all types).

- A. *Couplings*. Couplings shall be of the wedge-gasketed, flared sleeve type. Each coupling shall consist of one steel middle ring, two steel followers, two wedge-shaped rubber-compound gaskets and steel bolts. Couplings shall be of the proper dimensions and type applicable to the size and kind of pipe to be joined, including reducers, where required.

***Sec. 29 - Precast Concrete Catch Basin, Drop Inlet, and Manhole Units.***

*29.01 Description*. This specification covers the manufacture of precast reinforced concrete catch basins, drop inlets and manhole units. The finished units shall conform to the dimensions shown on the plans.

*29.02 Materials*. The materials to be used shall conform to the following:

All precast concrete structures shall meet ASTM C76 (latest edition).

*29.03 Manufacture*.

- A. *Testing and inspection*. Acceptability of the units shall be determined by the results of crushing tests on concrete cylinders and by inspection during manufacture to determine their conformance with the design and workmanship prescribed in these specifications and on the plans.

The units shall be considered ready for acceptance regardless of age when they conform to the strength requirements, as indicated by the specified tests.

The manufacturer shall furnish such facilities and assistance as is required to carry on the sampling and testing in an expeditious and satisfactory manner.

- B. *Reinforcement*. Reinforcement shall be as shown on the plans, with the following permissible variations in position:

Except at pipe connections, variations in the position of the reinforcement shall exceed  $\frac{1}{4}$  inch from the position shown in the design. The cover on the reinforcement shall not be less than that shown on the plans.

- C.  *Casting*. The concrete in each unit shall be placed without interruption, and shall be consolidated by the use of an approved vibrator, supplemented by such hand-tamping as may be necessary to force the concrete into the corners of the forms and prevent the formation of stone pockets or cleavage planes.

1. *Holes or pipes*. Each hole shall be approximately four inches larger than the outside diameter of the pipe for which it is provided.

- D. *Curing.* The units shall be cured by one or more of the methods given herein for a sufficient length of time so that the concrete will develop the specified compressive strength.
  - 1. The units may be placed in a curing chamber, free from outside drafts and cured in a moist atmosphere not exceeding 160 degrees F. maintained by the injection of steam for such time and such temperature as may be needed to obtain proper curing. The curing chamber shall be so constructed and the units so placed as to allow full circulation of steam around each entire unit.
  - 2. The units may be cured by being kept wet for not less than 72 hours under normal summer temperature conditions. In colder weather the water curing period shall be extended, as directed by the engineer, to provide equivalent curing. The units shall be protected from freezing from the time the concrete is placed and until curing is completed.
- E. *Removal of forms.* The forms shall remain in place until they can be removed without damage to the unit.
- F. *Workmanship.* The units shall be true to shape and their surfaces shall be smooth, dense and uniform in appearance. Minor surface cavities or irregularities which do not impair the service value of the unit and which can be corrected without marring its appearance shall be pointed with approved mortar as soon as the forms are removed. Such minor defects shall not constitute cause for rejection.
- G. *Compressive strength.* Compression tests for satisfying the minimum strength requirements shall be made on cylinders. A minimum of three cylinders will be made from each day's pour and cured in the same manner as the precast units.
- H. *Rejection.* Units shall be subject to refection because of failure to meet any of the requirements specified above; and in addition, any or all of the following defects shall be sufficient cause for rejection:
  - 1. Defects that indicate imperfect mixing and molding.
  - 2. Defects indicating honeycombed or open texture.
  - 3. Exposure of the reinforcement when such exposure would indicate that the reinforcement is misplaced.
- I. *Marking.* Each unit shall bear the name or trademark of the manufacturer and the date it was cast, stenciled or otherwise placed thereon in such a manner as to be clearly legible at time of delivery.
- J. *Testing.* Method of test shall be in accordance with the following:

Compressive Strength	AASHTO: T22 and T24
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**Sec. 30 - Grassing.**

*30.01 Grassing.* The grassing specification to be used in the Unified Government of Cusseta-Chattahoochee County specifications shall be the "Manual for Erosion and Sediment Control in Georgia." The specific sections appertaining (but not limited to) Disturbed Area Stabilization Ds 1, and Ds 3, indicated in Chapter 6, pages 6-161 through 6-182.





## SECTION 6. ADMINISTRATION

These rules and regulations shall be administered by the Planning Commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. The Planning Commission may from time to time issue instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be informed and the approval of the plats may be expedited.

### (A) Exceptions.

(1) *Construction Design Standards.* Where the County Engineer finds that due to particular circumstances, existing standards and specifications of the County are inappropriate, he may waive such requirements subject to specifying in writing other similar requirements that are not detrimental to the public health, safety or welfare or injurious to other property owners.

(2) *Substandard Lot Subdivisions.* In areas developed prior to the enactment of the Zoning Ordinance of the Unified Government of Cusseta-Chattahoochee County, Georgia, dwelling units were constructed on what would now be substandard lots when subdivided. In situations where a resubdivision of land is required in order to sell existing dwelling units, such lots are hereby exempted from the lot size requirements of this ordinance.

### (B) Variances.

(1) Where the Board of Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not recommend a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property;
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
- d. The variances will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan or Official Map.

(2) In approving variances, the Board of Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

### (C) Amendments.

These regulations may be amended from time to time by the Board of Commission, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Commission for review and recommendations. The Planning Commission shall have 45 days within which to submit its report. If the Planning Commission fails to submit a report within the 45 day period, it shall be deemed to have approved the amendment.

Before enacting an amendment to this Resolution, the Planning Commission, acting for the County, shall hold a public hearing thereon, at least 15 days notice of the time and place of which shall be published in a newspaper deemed as the official organ for legal notices for the Unified Government of Cusseta-Chattahoochee County, Georgia.

**(D) Appeals.**

In the event a developer desires to appeal any final decision made by the Planning Commission under these Subdivision regulations, said developer shall first present his appeal to the Board of Commission of the Unified Government of Cusseta-Chattahoochee County who shall hold a hearing on the decision of the Planning Commission. Any further appeals shall be as provided by law after the aforesaid procedure has been followed.

**(E) Separability.**

Should any section or provision of this Resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Resolution as a whole or part thereof which is not specifically declared to be invalid or unconstitutional.

**(F) Conflict with other regulations.**

Whenever the provisions of this Resolution and those of some other ordinance, resolution, or statute apply to the same subject matter, that ordinance or resolution requiring the highest or stricter standard shall govern.

**(G) Fees.**

Fees related to matters pertaining to this ordinance are established by the Board of Commission and incorporated in Section 1 of this ordinance.

**SECTION 7. EFFECTIVE DATE**

This Ordinance, which revises and supercedes previous versions of the Subdivision Regulations of the Unified Government of Cusseta-Chattahoochee County, shall take effect and be in force on the 9th day of October, 2012.

Introduced and read at a regular meeting of the Board of Commission of the Unified Government of Cusseta-Chattahoochee County on the 7th day of August, 2012; read a second time at a regular meeting of said Commission held on the 4th day of September, 2012; and adopted at said meeting by the affirmative vote of members of the Commission.

Chairman James Lawrence voting:	<u>Yes</u>
Vice Chairman Ronnie Burgamy voting:	<u>Yes</u>
Commissioner Donald Moore voting:	<u>Yes</u>
Commissioner Emmett Moore, Jr.:	<u>Absent</u>
Commissioner Gerald Douglas:	<u>Absent</u>

Board of Commission of the Unified Government of Cusseta-Chattahoochee County, Georgia

By: \_\_\_\_\_  
James Lawrence., Chairman

Attest: \_\_\_\_\_  
Clerk of Board of Commission

(affix seal)



## APPENDIX C

### ROADWAY AND SUBDIVISION SPECIFICATIONS\*

#### [Article I.] General Provisions

[Sec. 1. Purposes; submission of construction plans.]

#### [Article II.] General Requirements and Minimum Standards of Design and Construction

[Sec. 1. Street design standards; easements; drainage, etc.]

#### [Article III. Specific Construction Specifications]

- Sec. 1. Temporary silt fence.
- Sec. 2. Clearing and grubbing right of way.
- Sec. 3. Roadway excavation.
- Sec. 4. Borrow excavation.
- Sec. 5. Excavation and backfill for minor structures.
- Sec. 6. Subgrade construction.
- Sec. 7. Graded aggregate base.
- [Secs. 8—10. Omitted.]
- Sec. 11. Bituminous prime.
- Sec. 12. Bituminous tack coat.
- Sec. 13. Miscellaneous concrete.
- Sec. 14. Concrete structures.
- Sec. 15. Storm drain pipe, pipe-arch culverts and side drain pipe.
- Sec. 16. Rip rap.
- Sec. 17. Jacking or boring pit.
- Sec. 18. Coarse aggregate.
- [Sec. 19. Omitted.]
- Sec. 20. Backfill materials.
- [Sec. 21. Omitted.]
- Sec. 22. Hot mix asphaltic concrete mixtures.
- Sec. 23. Cement.
- Sec. 24. Admixtures.
- Sec. 25. Concrete pipe.
- Sec. 26. Steel pipe.
- [Sec. 27. Omitted.]
- Sec. 28. Pipe appurtenances.
- Sec. 29. Precast concrete catch basin, drop inlet, and manhole units.
- Sec. 30. Grassing.

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\***Editor's note**—Printed herein are the Roadway and Subdivision Specifications of Cusseta-Chattahoochee County, Georgia, as amended March 7, 2000. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same style of expression of numbers in text as appears in the Code of Ordinances has been used. A consistent scheme of capitalization has also been used. Additions for clarity are indicated by brackets.



**[ARTICLE I.] GENERAL PROVISIONS**

**[Sec. 1. Purposes; submission of construction plans.]**

A. *Purposes.* These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare;
- (2) To encourage the development of economically sound and stable communities;
- (3) To assure the provision of required roadways, utilities, and other facilities and services to land developments;
- (4) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in land developments;

B. *Submission of construction plans.*

- (1) The developer or his agent shall submit two black or blue line prints (or a number as specified by the county commission) of construction plans as outlined below.
- (2) Detailed construction plans shall be prepared by an engineer registered and licensed in the State of Georgia and shall be prepared in accordance with the design specification set forth in these regulations.
- (3) Construction plans shall, as a minimum, consist of the following:
  - a. A topographic map drawn at two foot intervals showing existing and proposed contours;
  - b. Layout plans and centerline profiles for each proposed street or street extension;
  - c. Layout and profiles of storm drain pipes and structures along with information on any adjacent property such as, but not limited to, topography and structures which might affect the design of the aforementioned utilities;

- d. Design specifications for any bridges or culverts which might be incorporated in the proposed subdivision;
- e. Complete curve data for all horizontal and vertical curves. To include delta angle, radius, tangent and P.C. and P.T. stations for horizontal curves; and length of curve, tangent grades, PVC and PVT stations for vertical; and
- f. The design speed used in computing curve data for subdivisions is 30 mph.
- g. The design speed for collector streets is 45 mph.
- h. The design speed for major arterial streets is 55 mph.
- i. Hydrology and Hydraulic report of pre-construction and post-construction development for the entire site is required.
- j. Soil Erosion and Sediment Control plan for the disturbed area portions of the site.
- k. Clearing and grubbing limits.
- l. Standard details for construction (Structures, Drainage, Roadway, etc.).

**[ARTICLE II.] GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN AND CONSTRUCTION**

**[Sec. 1. Street design standards; easements; drainage, etc.]**

A. *General requirements.*

- (1) *Suitability of the land.* Land shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard as defined in the flood plain map.
- (2) *Specifications for required improvements.* All improvements, as are required herein,

shall be constructed or installed to conform with design specifications of the county.

- (3) *Continuation of adjoining street system.* The proposed street layout shall be coordinated with the street system of the surrounding area, with the topography, with such natural features as streams and tree growth, with public convenience and safety, and with the proposed use of the land to be served by such streets.
- (4) *Access to adjacent properties.* Where, in the opinion of the county, it is desirable to provide for access to an adjoining property, proposed roadways shall be extended by dedication to the boundary of such property and joined with the existing roadways, where such exists, or with other proposed roadways. Where no roadway exists or where the adjoining property is in alignment with a proposed roadway, a temporary turnaround shall be provided at the boundary of said property.

B. *Street design standards.* The design standards which shall apply to roadways are as follows:

- (1) *Right-of-way widths.* Minimum right-of-way widths shall be as follows:

Arterial	120 feet
Collector	80 feet
Subdivision	60 feet

- (2) *Pavement widths.* Pavement widths plus curb and gutter widths (when applicable) shall be not less than the following

- a. Arterial:
 

w/ curb and gutter	53 feet (back to back of curb)
w/out curb and gutter	24 feet (w/12 ft shoulder)
- b. Collector:
 

w/ curb and gutter	45 feet (back to back of curb)
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w/out curb and gutter	24 feet (w/10 ft shoulder)
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- c. Subdivision streets:
 

w/ curb and gutter	31 feet (back to back of curb)
w/out curb and gutter	24 feet (w/10 ft shoulder)
- d. Base thickness: Six inches minimum residential, all others by design
- e. Pavement thickness: Two inches minimum residential, all others by design

- (3) *Grades.*

- a. Roadway grades shall not be more than 12 percent nor less than 0.5 percent, unless approved by the county.
- b. Grades approaching intersections may not exceed eight percent for a distance of not less than 100 feet from the centerline of said intersection unless otherwise approved by the county.

- (4) *Horizontal curves.* Where a centerline deflection angle of more than five degrees occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

Arterial roadways	500 feet
Collector roadways	350 feet
Subdivision roads	150 feet

- (5) *Vertical curves.* All vertical curves shall have such length as necessary to provide safe stopping sight distance. The stopping sight distance shall be specified as a line of sight measured along the centerline from a point 3.75 feet above the surface of the pavement to a fixed object six inches in height. The following distances are examples of various speeds. For speeds not shown, calculate the stopping sight distance using formulas recommended by the Institute for Traffic Engineers (ITE).



<i>Design Speed</i>	<i>Stopping Sight Distance</i>
20 mph	150 feet
30 mph	200 feet
40 mph	275 feet
50 mph	350 feet

- (6) *Tangents.* There shall be a tangent of at least 100 feet between reverse curves, unless otherwise approved by the county.
- (7) *Intersections.* Roadway intersections shall be laid out as follows:
  - a. Roadways shall intersect as nearly as possible at right angles, and no street intersect at less than 60 degree.
  - b. Intersections with arterial roadways shall be at least 800 feet apart measured from centerline to centerline.
  - c. Street jogs shall not be less than 125 feet measured from centerline to centerline.
  - d. Proper sight lines shall be provided and maintained at all intersections. Measured along the centerline, 3.75 feet above grade, there shall be a clear sight distance triangle of 300 feet on major arterials 200 feet on collector roadways, and 100 feet on subdivision roadways, measured from a point of the centerlines intersection.
- (B)[(8)] *Temporary turn-around.* A temporary turn-around, 40 feet in radius, shall be where the logical extension of a subdivision roadway is terminated.

C. *Easements.* Utility and other easements shall be provided as follows:

- 1) When the county deems it necessary, utility easements shall be provided. All easements shall be a minimum of ten feet in width. All easements accepted by the county for utility construction shall be cleared, grubbed and graded by the subdivision developer.

Prior to installation of waterlines, a developer will be required to provide the

county with a layout plan and specifications for construction utilizing an accepted waterline easement plan. During construction, it will be necessary for the county to make periodic inspections and to observe the pressure testing when water is placed in the lines. Following all approved inspections, specifications regarding materials and tests, the county will accept the water mains for maintenance and will operate in accordance with the rights granted in the respective water line easements.

The developer will provide to the county's attorney an acceptable title opinion to easement property.

- 2) Where a subdivision is traversed by a natural or manmade watercourse, drainageway, channel, or stream, or a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourses, drainageway, channel, or stream shall be provided as determined by the county.

D. *Storm drainage.*

- (1) Storm drainage shall be designed for 25 year return frequency storms. Detention ponds shall be designed for the 100 year return frequency.
- (2) Every subdivision shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts and other facilities as required by standards and specifications of the county.
- (3) Drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easement of appropriate width.
- (4) Use of catch basins at road intersections are specified and shall be arranged in such a manner that will not permit water to cross intersections. Unless otherwise specified by the county, cross drainage of roadways or intersections via valley gutter is prohibited.

*E. Water supply.*

- (1) When, in the written opinion of the Georgia Department of Natural Resources through the local health department and the county water works, public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. The installation shall be prior to the paving of the street. The public water supply shall be installed by the county public works department, but at the developer's cost.
- (2) Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system acceptable to and approved by the Georgia Department of Natural Resources through the local health department.

*F. Inspection during construction.* The contractor shall provide all testing designated by the county. All construction performed under the auspices of these regulations shall be subject to inspection by the county. The contractor shall be responsible for notifying the county in writing prior to commencement of any such work. If the contractor fails to make this notification, he shall then be responsible for the expense of any operation or laboratory testing by the county to ascertain compliance with specifications.

*G. Acceptance of improvements.* The county shall have the authority to reject any material or work which does not meet the requirements of specifications adopted by the county.

*H. Guarantee of work.* The developer shall guarantee all work performed by him or his agent against failure for a period of two years after completion of work. To insure compliance with the above, a maintenance bond in an amount determined by the county shall be posted.

*I. Specification note.* These specifications refer to "contractor and developer". In these specifications, they are interchangeable and/or one in the same. The engineer or inspector is any agent or individual so designated by the chairman of the county commission.

*J. Additional requirement.* The subdivision developer shall be required to secure necessary permits for connecting new subdivision construction to existing federal, state, and county highways. The developer will construct all approaches, acceleration/deceleration lanes, drainage, and pavement in accordance with approved plans and permits. The developer will be required to provide the county with a letter of approval of the connection to existing highway. Also, the developer is required to meet all specifications and requirements of the U.S. Soil and Water Conservation Service and the Georgia Department of Natural Resources.

*K. Construction specifications.*

- (1) After the effective date of these regulations, the county will not accept any dedicated improvements until the improvements have been completed by the subdivider of the subdivision in conformance with construction plans approved by the county in accordance with these regulations.

**[ARTICLE III. SPECIFIC CONSTRUCTION SPECIFICATIONS]**

Specific construction specifications are described in the following section 1 through section 31:

**Sec. 1. Temporary silt fence.**

1.01 *Description.* The work covered by this section consists of furnishing, installing, maintaining, and removing a water permeable filter type of fence to remove suspended particles from the drainage.

1.02 *Materials.*

- A. *Posts.* Posts shall be a minimum of five feet long and either wood or steel posts may be used. Wood posts shall be at least three inches in diameter, or nom. two × four and straight enough to provide a fence without noticeable misalignment. Steel posts shall have a minimum weight of 1.3 pounds per foot, and have projections for fastening wire to the fence.

- B. *Woven wire fence.* Wire fence fabric shall be at least 32 inches high, and shall have at least six horizontal wires. Vertical wires shall be spaced 12 inches apart. The top and bottom wires shall be at least ten gage. All other wires shall be at least 12½ gage.
- C. [*Filter fabric.*] Filter fabric shall be composed of strong rot-proof synthetic fibers formed into a fabric of either the woven or nonwoven type. Either type of fabric shall be free of any treatment or coating which

might significantly alter its physical properties after installation. The fabric shall contain stabilizer and/or inhibitors to make the filaments resistant to deterioration resulting from exposure to sunlight or heat. The fabric shall be a pervious sheet of synthetic fibers oriented into a stable network so that the fibers retain their relative position with respect to each other.

The fabric shall meet the following physical requirements:

Physical Requirements		
<i>Physical Property</i>	<i>Test Method</i>	<i>Requirements</i>
Tensile Strength	ASTM D1682 Grab Test using 1" square jaws and a travel rate of 12"/minute	100 lbs min.
Grab Elongation	ASTM D1682 Grab Test using 1" square jaws and a travel rate of 12"/minute	30% +- 10%
EOS (Equivalent Opening Size)	Corps of Engineers Guide Specification CW 022115, November, 1977	100 Sieve min 40 Sieve max
Ultraviolet Stability	ASTM D1682 Grab Test using 1" square jaws and a travel rate of 12"/minute. Test to be made after 180 days direct exposure to sunlight on a horizontal plane.	80 lbs min
Bursting Strength	ASTM D751 Diaphragm Bursting Tester	175 psi min

The contractor shall furnish certified test reports with each shipment of material attesting that the fabric meets the requirements of this specification.

- D. *Wire staples for wooden posts.* Wire staples shall be a No. 9 gage and shall be at least 1½ inches long.

1.03 *Installation.* The contractor shall install temporary silt fence as shown on the plans or as directed by the engineer.

1.04 *Maintenance and removal.* The contractor shall maintain the silt fence until the project is accepted or until the fence is removed, and shall

remove and dispose of silt accumulations at the silt fence when so directed by the engineer. Filter fabric shall be removed and replaced whenever it has deteriorated to such extent that it reduces the effectiveness of the silt fence.

**Sec. 2. Clearing and grubbing right of way.**

2.01 *Description.* This work shall consist of clearing, grubbing, removing and disposing of all vegetation and debris within the limits of construction and easement areas adjacent to the right of way as shown on the plans, or as directed by the engineer, except such objects as are designated to remain or are to be removed in accordance with other sections of these specifications.

2.02 *Construction.*

- A. *General.* The contractor will establish right of way lines and construction lines and designate all trees, shrubs, plants and other things to remain. The contractor shall preserve all things designated to remain.
- B. *Clearing.* Clearing consists of the removal from the right of way lines and proper disposal of all exposed objectionable matter such as trees, brush, stumps, logs, grass weeds, roots, decayed vegetable matter, poles, stubs rubbish, refuse dumps, sawdust piles, loose boulders of one cubic yard or less existing outside of construction limits, and other debris resting on or protruding through the ground surface, or appearing on the right of way at any time before final acceptance of the work.
- C. *Grubbing.*
  - 1. *Definition.* Grubbing consists of the removal from the right of way and proper disposal of all objectionable matter defined above under clearing, which is embedded in the underlying soil.
  - 2. When items are removed as clearing and grubbing, they shall be removed to the following depths:
    - (a) Under pavements. Remove to a depth of at least three feet below finished subgrade.
    - (b) Beneath other structures. Remove to a depth of at least three feet below the foundations of any proposed structure including installations such as guardrail posts, utility poles, and the like.
    - (c) Elsewhere in the right of way. Remove to at least three feet below the finished surface of slopes and shoulders, and one foot below natural ground outside construction lines. Abandoned structures remaining in place which may impound wa-

ter, such as concrete floors, basements, catch basins, and the like, shall be thoroughly cracked or otherwise broken where they are present within ten feet of finished grade. Floor and the like shall be broken to the extent that no section exceeding ten square feet remains intact.

- 3. Areas adjacent to selected trees and shrubs shall be grubbed wherever grubbing can be done without damage to the living roots of the selected trees or shrubs.
- 4. Combustible material. All combustible material except sawdust piles may be burned on the right of way except where prohibited by local air pollution control regulations. Burning on the right of way shall be done so as to prevent fire from spreading to adjacent areas and to prevent damage to living trees and shrubs which are to remain in place, either on or off the right of way. Care shall also be taken to prevent damage to all public and private installations either within or adjacent to the right of way and to the traveling public.

All burning of right-of-way materials shall be permitted by the proper agencies of the Georgia Department of Natural Resources and/or the Georgia Forestry Commission.

**Sec. 3. Roadway excavation.**

3.01 *General.* Roadway excavation shall consist of the excavation, hauling and satisfactory placement or disposal of all materials. This work shall also include all ditch excavation with the exception of channel excavation.

All suitable materials excavated from ditches shall be utilized in the construction of roadway embankments except where otherwise directed by the engineer.

Material excavated from the ditches which is unsuitable for roadway construction shall not be deposited or allowed to remain within

three feet of the edge of the ditch. Such material shall not be left in unsightly piles, but shall be spread in uniform layers neatly leveled and shaped. Adequate openings shall be provided in spoil banks to allow surface drainage of adjacent land. When shown on the plans or required by the engineer, surface ditches of adequate dimensions shall be cut at the tops of cut slopes, extending to each end of the cuts in order to carry the water from the side hill. Side ditches or gutters emptying from cuts to embankments shall be turned outward so as to avoid erosion of the embankments.

When excavation operations encounter artifacts of historical or archaeological significance, such operations shall be temporarily discontinued and not resumed until directed by the engineer.

All material to be excavated, regardless of its nature or composition, shall be defined as unclassified excavation unless otherwise specified on the plans. All suitable material removed in the excavation shall be used as far as practicable in formation embankments, subgrades and shoulders and at such other places as may be on the plans or directed by the engineer. The engineer will designate materials which are unsuitable.

3.02 *Erosion and siltation control.* The contractor shall take whatever measures necessary throughout the life of the project to control erosion and to minimize silting of rivers, streams and impoundments. Construction of drainage facilities as well as performance of all other contract work which will contribute to the control of erosion and siltation shall be carried out in conjunction with earthwork operations.

3.03 *Rock excavation.* Rock, wherever encountered, shall be removed and disposed of as shown on plans or as directed by the engineer. In a cut, when rock is encountered, any flattening of the slope already begun shall be transitioned to leave the cut with a pleasing appearance.

3.04 *Unsuitable material excavation.* When the engineer determines that the existing material is undesirable in its location or condition, the engineer may require the contractor to remove the undesirable material and backfill with approved

material, properly compacted. In cut areas where the material in place is not suitable for subgrades or shoulders, it shall be undercut to the depth established by the engineer and the undercut area backfilled with suitable material. In roadway cuts any stripping excavation of unsuitable material shall be done and the material disposed of as directed by the engineer.

**Sec. 4. Borrow excavation.**

4.01 *Description.* The work covered by this section consists of the excavation of material from borrow areas or pits, outside the project right of way; and hauling and utilization of such material as required on the plans or directed by the engineer.

4.02 *Materials.* Borrow excavation shall be material approved by the engineer as meeting the requirements for the particular use intended. Embankment materials shall meet the requirements as specified in section 20, Backfill Materials.

4.03 *Construction.* Borrow pits furnished by the contractor shall be approved by the engineer.

**Sec. 5. Excavation and backfill for minor structures.**

5.01 *Description.* This work shall consist of the excavation and backfill, or disposal of all materials required for the installation of bridge culvert, pipe, arch culvert, headwall and retaining wall structures in accordance with the specifications and the details shown on the plans or established by the engineer.

5.02 *Materials.* All materials shall meet the following requirements of the following specifications:

Foundation Backfill Material-Type I	Section 20.01
Foundation Backfill Material-Type II	Section 20.02
Imperfect Trench Backfill Material-Type III	Section 20.03

5.03 *Locations and elevations.* The locations and elevations of structures shown on the plans are approximate. Final locations and elevations will be determined by the engineer.

5.04 *Excavation.* The engineer will determine the minimum requirements for length and depth of excavation for each structure. Necessary sheeting and bracing shall be installed by the contractor without additional compensation. Except for concrete or masonry structures, wherein the entire structure rests on solid rock, all excavation through rock or boulder formations shall be extended to at least one foot below the bottom of the structure and then backfilled with Type I or Type II material to the proper subgrade elevation.

When pipe lines are on the steep gradients, excavation and the placement of pipe on a new embankment may be done in increments as the embankment construction progresses.

Where existing paved areas are to be retained, all cutting of surfaces at structure trenches shall be done in such a manner as to prevent damage to the adjacent pavement. Pavements shall be sawed to a sufficient depth to insure straight line breakage at the edges.

Material excavated from the pipe trenches shall be considered unclassified excavation.

5.05 *Backfill.* Backfill materials meeting these specifications shall be obtained from sources approved by the engineer.

- A. Foundation backfill materials, Types I & II. These materials will be used as shown on the Plans or as directed by the Engineer. In general, Type I material will be used in reasonably dry structure trenches, and Type II material will be used in trenches where wet conditions are encountered. When permitted by the engineer, Type I material may be used as a finishing course for Type II material. All areas of excavation beyond specified limits shall be backfilled with the same type of material required for the adjacent area. Type I

and Type II backfill material shall be placed in layers of not more than six inches loose.

Each layer shall be compacted as follows:

Type I backfill material: Compact to 95 percent of the theoretical dry density determined by GHD: 7.

Type II backfill material: Compact to a satisfactory uniform density as directed by the engineer.

- B. Imperfect trench backfill material, Type III. This material will be placed as loose uncompacted backfill over pipe structures, as shown on the plans where imperfect trench backfill is specified.
- C. No rock larger than four inches in any diameter shall be placed within two feet of any drainage structure.
- D. Backfill behind retaining walls, unless otherwise specified, shall be pervious material and meet the requirements of Case I or Case II as follows:

Case I: Case I refers to backfills for retaining walls required for the support of roadbeds and parking areas, in which case the backfill shall conform to requirements of section 20 except that no rock more than four inches in any diameter shall be placed within two feet of the retaining wall or finished surface.

Case II: Backfills for retaining walls required for the support of roadbeds or parking areas shall conform to requirements of Case I above, except that the backfill shall be compacted to the density of the adjacent soil.

5.06 *Pavement replaced.* Where adjacent pavements are to be retained, pavement removed at structure trenches shall be replaced in kind, or when approved, with equal or better material. After backfilling, the contractor shall maintain a smooth riding surface until the repaving is completed.

**Sec. 6. Subgrade construction.**

6.01 *Description.* This work shall consist of placing, mixing, compacting and shaping the top six inches, or to the plan indicated thickness, of the roadbed in both excavation and embankment areas. This work also includes subgrade stabilization, select material subgrade and shoulder stabilization.

6.02 *Materials.*

A. *Subgrade materials.* Unless otherwise noted, the top six inches (or specified depth) of the subgrade shall conform to Class I or II materials as defined in section 20.

6.03 *Construction.*

A. *Subgrade construction.* The entire surface of the in-place subgrade shall be plowed, harrowed and mixed to a depth of at least six inches. After the material has been thoroughly mixed, the subgrade shall be brought to plan line and grade and compacted to 100 percent of the maximum laboratory dry density unless the subgrade is to be stabilized, in which case the density requirement will not apply at this stage; or unless a subsequent Contract provides for base construction. In the latter case, mixing will be eliminated and the in-place subgrade compacted to 95 percent of the laboratory maximum dry density.

Prior to placing any subsequent layers of base and paving materials, the subgrade shall have sufficient stability to support construction equipment without excessive movement regardless of compaction. Areas of subgrade that are unstable shall be reworked to a moisture content that will provide stability and compaction.

The surface of the completed Subgrade shall be bladed to a smooth and uniform texture. The centerline profile shall conform to the established elevations with an acceptable tolerance of +/- 1/2 inch. The acceptable tolerance under a template conforming to the designated cross-section shall be +/- 1/4 inch.

The maximum dry density and the test methods shall be in accordance with section 6.03 A.

**Sec. 7. Graded aggregate base.**

7.01 *Description.* This work shall consist of constructing a base, subbase or shoulder course composed of mineral aggregates as a prepared subgrade or subbase in accordance with these specifications and in reasonably close conformity with the lines, grades, thicknesses and typical cross-sections shown on the plans or established by the engineer.

7.02 *Materials.* The materials to be used and the specifications for them are listed below:

Graded aggregate: The graded aggregate base, subbase or shoulder course material shall be of uniform quality throughout.

The graded aggregate may be produced from an approved source or deposit which will yield a satisfactory mixture conforming to all requirements of these specifications after it has been crushed or processed as part of the mining operations, or the material may be furnished in two sizes of such gradation that when combined in the central mix plan the resultant mixture shall conform to the required specifications. In addition, the material passing the No. 10 sieve shall be relatively free of detrimental substances such as soil overburden, decomposed rock and/or swelling silts.

Graded aggregate base, subbase, or shoulder material shall conform to the following:

**GRADATION OF GRADED AGGREGATE**

<i>Requirements</i>	<i>Percent by Weight</i>
Passing 2" Sieve	100
Passing 1½" Sieve	97-100
Passing ¾" Sieve	60-90
Passing No. 10 Sieve	25-45
Passing No. 60 Sieve	5-30
Passing No. 200 Sieve	0-15

Method tests shall be in accordance with the following:

Gradation                   AASHTO: T 27  
 Sand Equivalent         GHD: 63

**[Secs. 8—10. Omitted.]**

**Sec. 11. Bituminous prime.**

7.03 *Construction.*

A. *Placing materials.* The materials shall be spread uniformly with a mixture spreader to the proper depth to obtain the specified thickness. Graded aggregate materials containing frost or frozen particles shall not be placed.

B. *Thickness of course.* The maximum thickness to be laid in one course shall be six inches compacted. If the design thickness of the base, subbase or shoulder course is more than six inches, it shall be constructed in two or more courses of approximately equal thickness. With a sufficient and suitable equipment, the engineer may allow base material to be placed in lifts up to eight inches.

C. *Compacting and finishing.*

1. *Compaction.* The moisture content of the mixture of materials at the time of compaction shall be uniformly distributed and shall be adequate to allow compaction to the specified density. After the material placed has been shaped to line, grade and cross-section, it shall be rolled until the course has been uniformly compacted to at least 98 percent of the maximum dry density.

The compacted base shall have sufficient stability to support construction equipment without pumping irregardless of compaction. If the base material becomes unstable as a result of too much moisture, the base material and the underlying subgrade, if necessary, shall be dried and reworked to a moisture content that will provide stability and compaction.

D. *Tests.* AASHTO: T180 Method D.

11.01 *Description.* The work shall consist of preparing and treating an existing surface with bituminous material, and blotter material, if required, in accordance with these specifications and in reasonably close conformity with the lines shown on the plans or established by the engineer.

Bases and other areas to be primed shall be as follows:

1. All cement or lime stabilized bases or subbases, regardless of pavement thickness.
2. All bases, subbases or other areas, with the exception of asphaltic concrete or sand asphalt bases or subbases, on which bituminous surface treatment is to be placed.
3. All bases, subbases or other areas on which less than five inches, total thickness, of hot mix asphaltic concrete is to be placed, with the exception of asphaltic concrete bases.

11.02 *Materials.* Unless otherwise specified, the types of bituminous shall be selected by the contractor. The engineer will determine the grade of materials to be used. The specifications for the bituminous materials are:

	<i>Latest Revision GA D.O.T. Spec. or as Amended</i>
Cut back Asphalt, RC-30, RC-70 RC-250 or MC- 250, MC-30 or MC-70	821.01
Emulsified Asphalt, EAP-1	822.01
Tars, RT-2, RT-3	827.01
Cutback Asphalt Emul- sion, CBAE-2	823.01
Blotter Materials (Sand)	412.04.F.3



11.03 *Equipment.* The contractor shall provide sufficient equipment in good repair. The following units shall be minimum requirements.

- Pressure distributor
- Power broom and blower
- Aggregate spreader (if required)

11.04 *Construction.*

- A. *Weather limitations.* Bituminous prime shall not be applied on a wet surface nor when the temperature of the air is below 40 degrees F in the shade. Prime shall not be applied when rain threatens nor when weather conditions would prevent proper construction of prime coat.
- B. *Condition of surface.* The surface to which the prime is to be applied shall be finished to the line, grades and cross-section specified. The surface shall be uniformly compact and bonded. All irregularities occur-

ring in the surface shall be corrected in accordance with the specifications for the particular construction being primed.

- 1. *Cleaning.* All loose material, dust, caked clay and all other material likely to prevent bonding of the prime with the surface shall be swept and blown from the road to the full width of the prime and two feet more on each side, with power sweepers and blowers and, where necessary, by hand.
- 2. *Moisture.* The surface shall be only slightly damp. If it is too wet, it shall be allowed to dry. If it is too dry, the engineer may require that it be sprinkled lightly, just before it is primed.
- C. *Temperature and surface texture.* The surface texture and condition of the surface govern the choice of the grades of bituminous material to be used.

The following table shows the grades and temperature of application of bituminous materials as they are applied to various surface textures.

TEXTURE OF BASE FOR VARIOUS TYPES AND GRADES OF PRIME AND TEMPERATURES OF APPLICATION

<i>Texture of Base</i>	<i>Tight</i>	<i>Average</i>	<i>Open</i>	<i>Tight</i>	<i>Open</i>	<i>ALL</i>	<i>ALL</i>
Materials and Grade	MC-30 RC-30	RC-70 or MC-70	RC-250 or MC-250	RT-2	RT-3	CBAE	EAP-1
Temperature of Application Degrees F	80 to 120	105 to 180	145 to 220	80 to 120	90 to 140	120 to 160	80 to 150

- D. *Amount and extent of prime.* The exact amount of bituminous material to be used will be determined by the engineer within the minimum and maximum rates of 0.15 to 0.30 gallons per square yard.  
When the amount to be used has been determined, the contractor shall apply it uniformly and accurately. The amount applied to any one-half mile shall be within

five percent of that specified. The prime shall be applied to the full width of the proposed wearing surface which is to be superimposed plus six inches on each side.

- E. *Heating and applying bituminous prime.*
  - 1. *Temperature.* The exact temperature for applying bituminous prime will be determined by the engineer, within the limits shown.

- 2. *Methods.* The heating and applying bituminous materials shall be done as specified.

F. *Protection, curing and maintenance.*

- 1. *Closing to traffic.* The primed surface shall be closed to all traffic and left undisturbed for so long as necessary for the prime to thoroughly cure and until it does not pick up under traffic.
- 2. *Rolling.* If the surface becomes soft after it is primed, the surface shall be rolled longitudinally with a pneumatic-tired roller at not more than six miles per hour until the whole surface is firmly set.
- 3. *Blotting.* If necessary to prevent the prime from being picked up, clean, dry, sharp sand shall be spread by hand or mechanically over the surface. Sand shall only be applied to places that are tacky, and the amount shall be the least needed to prevent picking up. No extra payment for this work or material will be made.
- 4. *Opening to traffic.* After rolling and sanding (if it is required) have been done, the primed surface may be opened to ordinary traffic, subject to conditions stated in paragraph 1 above.
- 5. *Maintenance.* The contractor shall maintain the prime coat and the surface of the course primed until it is covered by other construction. All excess bituminous material shall be removed.

**Sec. 12. Bituminous tack coat.**

12.01 *Description.* This work shall consist of furnishing and applying a bituminous tack coat on a prepared road surface. It also includes cleaning the road surface.

12.02 *Materials.* All material shall meet the requirements of the following specifications:

	<i>Latest Revision GA. D.O.T. Spec. or as Amended</i>
Asphalt Cement, Viscosity Grade AC-10, AC-20	820.01
Cationic Emulsified Asphalt CRS-2h or CRS-3	824.01

12.03 *Equipment.* The contractor shall provide sufficient equipment in good repair, including at least the following units:

- Power broom and blower
- Pressure distributor

12.04 *Construction.*

- A. *Seasonal and weather limitation.* Tack coat shall not be applied when the existing surface is wet or frozen. Emulsified asphalt shall not be placed when the air temperature is less than 40 degrees F.
- B. *Application.* The entire areas to be paved shall be coated with the tack coat. The engineer may require the application of all tack coat by use of distributor spray bars in lieu of hand hoses, except in small areas inaccessible to spray bars.
- C. *Temperature.* The temperature of the bituminous materials at the time of application are specified below. The application temperature for asphalt cement should be near the upper limit of the temperature range specified.

Bituminous Materials Temperature  
of Application (Degrees F.)

Asphalt Cement	325 to 375
CRS-2h	140 to 180
CRS-3	140 to 180

- D. *Cleaning.* Just prior to the application of the tack coat, the entire area shall be cleaned until it is free from all loose dirt, clay and other objectionable materials.

- E. *Amount.* The rate of application of bituminous tack coat will be determined by the engineer.
- F. *Limitations and areas coated.* No more tack coat shall be applied to the prepared road surface than can be covered with the new pavement course during normal working hours of the same working day in which the tack coat is applied.
- G. *Maintenance and protection.* After the tack coat material is applied, it shall be allowed to break until it is tacky enough to receive the surface course. Traffic shall not be allowed on the tack.
- B. *Preparation of subgrade.* The subgrade for miscellaneous concrete shall be finished to line and grade as indicated on the plans and compacted to the same degree as the portion of the roadway on which it is placed. For contracts involving both roadway and bridge contractors, the grading for the slope paving shall be completed by the roadway contractor. Final grading, compacting, dressing, placing and maintaining until structures are completed shall be the responsibility of the bridge contractor. Responsibility for each portion of the work shall be as noted on the plans.

### Sec. 13. Miscellaneous concrete.

13.01 *Description.* This work shall consist of placing Portland cement concrete as slope paving on end rolls, cut slopes, paved ditches, spillways, and ditch slopes; in median pavement; as sidewalks; in concrete curbs, gutters, curb and gutters and valley gutters; non-reinforced headwalls; velocity dissipators, concrete slope drains of the type specified; concrete spillways and at other locations where designated on the plans or directed.

It includes all subgrade preparation including fine grading and backfilling; the forming, furnishing, placing and finishing of concrete; constructing weep holes and furnishing and placing the coarse aggregate therefore; as well as furnishing and placing preformed joint fillers as indicated on the plans.

13.02 *Material.* Concrete shall conform to the minimum requirement for Class "B", as specified. Miscellaneous concrete shall be placed only when the air temperature is 40 degrees F. and rising. Hand finishing will be allowed.

#### 13.03 *Construction.*

- A. *Extent and thickness of pavement.* Areas to paved together with their dimensions shall be as indicated on the plans.

Thicknesses shall not be subject to a minimum tolerance of one-half inch. Overlay pours will not be permitted.

Where paving is to be placed on front slopes of ditches and shoulders, any special materials required shall be placed during the appropriate roadway construction.

Excavation for toe walls, edge walls, weep hole drain pockets, placing of coarse aggregate in weep hole drain pockets, and all grading, finishing and compacting of the subgrade surface shall be accomplished prior to placing concrete. Mechanical tamps may be required to secure satisfactory compaction.

Excavation for velocity dissipators, spillways, and slope drains shall not be carried below the foundation elevation nor wider than necessary to provide working space or to remove soft unsuitable material and backfill with selected material. Where spillways are to be fitted to concrete pavement, the specified dowel bars shall set into pavement when it is laid. Metal parting strips may be used to hold the ends of dowels bent into the grooves.

- C. *Forms.* Forms may be of nominal dimension wood or metal and shall be approved by the engineer. All forms shall be straight and oiled prior to each use.

Divider plates and templates shall be of metal.

Items which lend themselves to the slip form method of placement may be so constructed. The engineer, however, re-

serves the right to require the use of fixed forms in the event the slip form method fails to produce a product which conforms to the requirements for quality, shape, grade, or alignment.

D. *Weep holes.* Weep hole drain pockets filled with coarse aggregate together with weep hole drain pipe or formed openings shall be provided in accordance with plan details.

E. *Concrete.*

1. *Mixing.* The mixing of Class "B" concrete shall be as specified.

a. Small capacity job-site batchers and one bag mixers may be used.

b. Concrete ingredients may be proportioned volumetrically provided the equipment, calibration and operation of the equipment are approved by the engineer.

2. *Placing and finishing.* Concrete shall not be placed on a muddy or frozen surface. It shall be deposited within forms or against other pavements on a compacted and wetted subgrade to the depth required to produce the specified thickness. It shall be struck off to a plane surface and finished.

a. *Concrete slope paving.* Shall be given a final finish with a stiff broom. With the engineer's approval, concrete may be mechanically conveyed to the forms.

b. *Concrete sidewalks.* Shall be given a Type V finish, except for the final finish, when so indicated on the plans, shall be made by stiff-bristle brooming. The surface shall be tested with a ten foot straightedge laid parallel to the centerline. Any irregularities in excess of 14 inch in ten feet shall be eliminated while the concrete is still plastic.

c. *Concrete paved ditches.* The surface of the bottom and sides of paved ditches shall be uniform in appearance and true to grade and cross-section. On straight-grade tangents there shall be no deviation of more than one inch in ten feet, zero inches when tested with a ten-foot straightedge. The one inch in ten feet, zero inches tolerance will not be permissible if it reduces the thickness of the ditch paving, ponds water, or alters the direction of flow.

Finish for ditch paving shall be accomplished by floating with wood floats sufficiently to bring mortar to the surface in the amount necessary to cover the coarse aggregate.

Reinforcing if required, shall conform to plan details.

d. *Concrete curbs, gutters, and medians.* Shall be finished in accordance with "c" above. Face forms shall be removed as soon as possible and the exposed surfaces finished with a wood float. Straightedging, done along the edge of the gutter and top of the curb and median shall conform to those requirements for the adjacent pavement, but with no irregularities to exceed one-fourth inch in ten feet.

Machine methods of placing may be used providing the end result is satisfactory.

3. *Joints.*

a. *Slope paving.* Placing may be done in either horizontal or vertical courses, but not a mixture of both. Horizontal courses shall be approximately level, and not less than three nor more than six feet in width measured along the slope. Trapezoidal courses at the top and bottom will be

permitted to accommodate sloping berm and ditch line conditions. At construction joints between courses, the paving shall be edged with a tool having one-fourth inch radius.

Vertical contraction or construction joints spaced along the horizontal course at right angles to the horizontal construction joints shall be provided at approximately 40 foot intervals, in line and not staggered. No other vertical lines will be required in horizontal courses. When vertical contraction joints are used, they shall be cut with a single tool one-third the depth of the paving during the finishing operation and shall be edged the same as construction joints.

Vertical courses shall be approximately equal, and course widths shall not be less than three nor more than five feet measured across the plane of the slope. The width would preferably be four feet. No horizontal lines will be required in vertical courses.

Slope paving shall be separated from masonry of structures, sidewalks, curbs and rigid type roadway pavement by preformed joint filler having a thickness of one-half inch.

- b. *Concrete paved ditches.*
  - 1. Contraction joints shall be spaced at 30 foot intervals.
  - 2. Expansion joints shall be placed only where the paved ditch joins the roadway pavement or some other structure.
  - 3. Joint sealers will not be required for either expansion or contraction joints.
- c. *Concrete sidewalk.* Transverse contraction joints shall be formed with a tool designed to form a groove one-third the depth of the sidewalk at intervals as indicated on standard plans. Where sidewalks abut curb and gutter, alternate joints shall coincide. All edges shall be rounded with a one-fourth inch edger. Expansion joints shall be of the materials, dimensions, and at locations specified on the plans.
- d. *Concrete curbs, gutters and medians.*
  - 1. *Contraction joints.* Adjacent to concrete paving, the spacing of joints in curb and gutters and medians shall be arranged to coincide with the joint spacing in paving. Joints may be formed by metal divider plates or sawed. The depth of the joint shall be not less than one-fifth nor more than one-fourth the depth of the concrete. With the exception of sawed joints, all joints shall be finished with a one-fourth inch edging tool. For curbs, gutters and medians adjacent to pavement other than concrete, contraction joints shall be as follows:
    - a. For header curb and combination curb and gutter: Install a contraction joint at a maximum spacing of 20 feet.
    - b. For gutter and median: Install a contraction joint at a maximum spacing of 20 feet.

- 2. *Expansion joints.* Expansion joints shall be formed in accordance with plan details or as directed. They shall coincide with the expansion joints in the adjoining pavement or gutter. All joint filters shall be cut to the same cross-section as the construction. Any material protruding after the concrete is finished shall be trimmed flush.

When these items are not adjacent to concrete construction, expansion joints shall be provided at a minimum interval of 500 feet.

- 3. *Curing.* Any method of curing specified. Membrane curing compound, if used, shall be Type 2. Honey-combed areas shall be packed as soon as forms are removed.

F. *Backfilling.* The areas shall be satisfactorily backfilled as soon as the work will not be damaged.

G. *Clean-up.* When all concrete work has been completed, the surfaces shall be cleaned and brought to a uniform appearance. The work shall be protected from staining or other damage until final acceptance.

**Sec. 14. Concrete structures.**

14.01 *Description.* This work shall consist of the manufacture and utilization of Portland cement concrete in the construction of structures.

14.02 *Materials.* All material shall meet the requirements of the following specifications:

\*Coarse aggregate . . . Section 18.01

Fine aggregate size No. 10...Section 19.02

Dampproofing or waterproofing material (bituminous)

\*\*Portland cement...Section 23.01

\*\*Portland-Pozzolan cement...Section 23.03

Admixtures:

Air entraining admixtures...Section 24.01

Retarding admixtures...Section 24.02

Water reducing admixtures...Section 24.02

Fly ash...Section 24.03

\*Coarse aggregate may be either Class A or B of the designated size except when limestone or dolomite is used in bridge structures. When limestone or dolomite is used in bridge length structures, Class A coarse aggregate is required.

\*\*Type I or Type II Portland cement or Type IP Portland Pozzolan cement shall be used unless otherwise specified. Air entraining cement shall not be used.

Bridge sections containing duct enclosures for stressing tendons shall be constructed with concrete No. 7 stone as maximum size.

14.03 *Classes and uses of concrete.*

A. *General.* Classes and specific requirements for each class of concrete are tabulated in the concrete mix table. The specific class of concrete to be used in a particular component of a structure will be shown on the plans or called for in the specifications. Various classes of concrete for specified uses shall be as follows:

Class AAA - Prestressed concrete

Class AA1 - Precast concrete as called for on plans

Note No. 1: This class may be used as high-early strength concrete if approved by the engineer. The engineer may approve the use of Type III cement in concrete used for this purpose. The engineer may also specify the rate of compressive strength development when this concrete is used to expedite the contract. The contractor shall not be granted additional

compensation for the use of this class of concrete when it is used at his request or used to expedite the contract.

Class AA - Bridge superstructure concrete or precast concrete as called for on plans.

Class A - General purposes

Note No. 2: Class A concrete deposited in water, hereinafter referred to as seal concrete, shall be non-air entrained with ten percent additional cement and sufficient additional water to provide a six to eight inch slump.

Class B - Massive section or lightly reinforced sections or miscellaneous non-structural concrete.

Class CS (Portland cement concrete subbase)

Note No. 3: Class CS (Portland cement concrete base): This class to be used as a subbase where required by the plans. Concrete subbase may be composed of a mixture of Portland cement and graded aggregate or Portland cement, aggregate, and sand.

B. *Admixtures.* Additives are required when specified herein or as directed by the engineer.

1. *Air-entraining admixtures.* Air entraining additives are required for all bridge structure concrete except seal concrete and non-exposed footings. The agent may be used in other concrete to improve workability when job or materials conditions dictate. When used as an option to improve workability or when required, the amount of entrained air shall not exceed the upper limit of entrained air content requirement.
2. *Retarding admixtures.* Concrete retarding additives shall be used in bridge concrete when the average temperature is above 65 degrees F. (average of expected high and the predicted low). Normally, the additives will not be required for bridge

curbs, handrails, crosswalks, or other appurtenances constructed separately from the decks. The use of retarders may be waived by the Engineer in substructure concrete can be placed within one hour after batching.

3. *Water reducing admixtures.* Water reducing agents may be used in Class AA concrete for bridge decks when conditions do not require the use of retarder. The agent may be used in other concrete when job or materials conditions dictate a reduction in water requirements or when minimal retardation of set is desired. Type "F" water reducing admixtures may be allowed by the engineer where requested by the contractor.

Bridge sections containing duct enclosures for stressing tendons may be constructed with concrete utilizing Type F (AASHTO:M-194) water reducer as approved by the engineer.

4. *Fly ash.* Fly ash may be used as an additive in all concrete to promote workability and plasticity. Fly ash may be used as a partial replacement for Portland cement in all concrete, except class "CS", provided for the following limits are met:
  - a. The quantity of cement replaced shall be no more than eight percent by weight.
  - b. Cement shall be replaced by fly ash at the rate of 1.5 to 2.0 lbs of fly ash to 1.0 lbs. of cement.
  - c. The fly ash mix shall conform to the provisions of Table C-1.
  - d. Type IP cement shall not be used in mixes containing fly ash.

#### 14.04 *Quality of concrete.*

- A. *General.* The contractor shall be responsible for concrete mix designs, batching, mixing, delivering, and placing concrete in accordance with the specifications. Concrete mixes shall meet requirements of

the concrete mix table. Properties of concrete will be determined by the applicable method in the Sampling, Testing and Inspection Manual.

- B. *Concrete mix designs.* Concrete mix designs shall be submitted to the engineer for approval. Mix proportions that contain materials from approved sources and produce concrete that meets these specifications will be approved. Concrete mix design proportions may be approved by a method listed in Table C-1.

**Sec. 15. Storm drain pipe, pipe-arch culverts and side drain pipe.**

15.01 *Description.* This work shall consist of furnishing and installing storm drain pipe; pipe-arch culverts; tapered pipe inlets; flared end section: bituminous coated, smooth lined, asbestos bonded, corrugated metal pipe; and side drain pipe. The type of pipe to be used, together with acceptable alternates when applicable, shall be as designated on the plans.

15.02 *Materials.* Materials shall meet the requirements of the following:

- Backfill materials
- Reinforced concrete pipe
- Nonreinforced concrete pipe
- Corrugated steel pipe
- Bituminous coated corrugated steel pipe
- Cast iron pipe, fittings and joints
- Bituminous coated, galvanized steel culverts

15.03 *Construction.*

- A. *General requirements.* Structures shall be installed in accordance with the specifications and in reasonably close conformance with the details shown on the plans or as directed. Structure excavation and foundation preparation shall be as set forth in section 5. Before pipe and pipe-arches are installed the foundation material shall be shaped as shown on plans.

The contractor shall provide necessary temporary drainage.

Before any traffic over a culvert is allowed, the contractor shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. Any damage or traffic or erosion shall be repaired or corrected at the contractor's expense. Any debris or silt that constricts the flow through a pipe shall be removed by the contractor as often as necessary to maintain drainage throughout the life of the contract. All pipes and pipe-arch culverts shall be cleaned before the work is accepted.

B. *Installation.*

1. *Concrete pipe.* Flat bottom and circular sections shall be laid in a prepared trench with the socket ends pointing upstream. Sections may be joined by mortar joints, bituminous plastic cement joints, rubber-type gasket joints, O-ringed gasket joints, or preformed plastic gasket joints. In mortar and bituminous plastic cement joints the annular space shall be filled with the joint material, and the inside of each joint wiped smooth. Mortar joints shall be made in the same manner except that the annular space shall be thoroughly wetted before filling with joint material. After the initial set, the mortar on the outside shall be protected from the air and sun with thoroughly wet earth or burlap cover. Rubber-type, O-ring, and preformed plastic gasket joints shall be installed in accordance with the manufacturer's recommendations.
2. *Cast iron pipe.* Pipe sections shall be laid in a prepared trench with bells pointing upstream. The annular space in each joint shall be filled with mortar or bituminous plastic cement as specified of concrete pipe, and each joint wiped smooth. Rubber gasket joints shall be in accordance with manufacturer's requirements.



3. *Corrugated aluminum or steel pipe and pipe arches.* Pipe sections shall be laid in a prepared trench with outside laps of circumferential joints pointing upstream and with longitudinal joints at the sides. Helical coupling bands, fastened by two or more bolts, shall join the sections. The space between adjoining sections shall be not more than the width of one corrugation.

All damaged spots in galvanized coating that expose the base metal shall be repaired before the structure is backfilled. All damaged spots in bituminous coating that expose the base metal shall be recoated with asphalt before the structure is backfilled.

Joints for smooth lines asbestos bonded, corrugated steel pipe shall be formed with and "O" ring type mechanical seal assembly when so detailed on the plans. Seal assembly should be burnished by the same manufacturer that supplies the pipe.

4. *Specials (wyes, tees, and bends).* The location and manner of installation of all wyes, tees and bends shall be shown on the plans or as directed.
5. *Tapered pipe inlets.* Tapered pipe inlet end sections will be installed where shown on the plans or as directed.
6. *Elongation.* Elongation of metal pipe shall be as shown on the plans. The contractor shall order the elongation of the vertical axis of the pipe to be done in the shop.

Metal pipe shall be shipped with wire-tie in the pipe ends. Wire ties shall be removed as soon as possible after the fill is completed.

7. *[Flared end sections.]* Flared end sections may be specified for use either on the inlet or outlet or both ends of storm drain pipe according to plan details.

## Sec. 16. Rip rap.

16.01 *Description.* This work shall consist of placing protective coverings of sand-cement bag rip rap, stone rip rap, and where called on fill slopes, cut slopes end rolls, shoulders, ditches stream banks, channel banks, and at other locations required by the plans or the engineer.

16.02 *Materials.* All materials shall meet the requirements of the following specifications:

Portland cement...Section 23.01

Rip rap (stone)

Bags for sand-cement bag rip rap: The bags shall be of cotton, burlap, or fiber reinforced paper capable of containing the sand-cement mixture without leakage during handling and placing. Bags previously used for sugar or any other material which will adversely affect the sand-cement mixture shall not be used. Capacity shall be not less than 0.75 cubic foot minimum nor more than two cubic feet maximum.

\*Except that up to ten percent shall be allowed to pass the No. 4 sieve.

16.03 *Construction.* This work shall be constructed in accordance with the following requirements:

- A. *Preparation of foundations.* The ground surface upon which the rip rap is to be placed shall be brought in reasonably close conformity to the correct lines and grades before placement commences. Where filling of depressions is required, the new material shall be compacted with hand or mechanical tampers. Excess material shall be disposed of by spreading it neatly within the right-of-way, as an incidental part of the work. Unless otherwise shown or provided below, rip rap shall begin in a toe ditch constructed in original ground around the toe of the fill or the cut slope. The toe ditch shall be two feet deep in original ground and the side nest to the fill or cut shall have the same slope. After the rip rap is placed, the toe ditch shall be backfilled and the excess dirt spread neatly within the right-of-way, as an incidental part of the work. Where rip rap is to

commence in water or below normal water level the toe ditch will be omitted and an apron of rip rap shall be substituted. The width and thickness of this apron shall be as shown or as determined by the engineer.

B. *Placement of stone rip rap.* Rip rap shall be placed to the limits shown on the plans or as directed by the engineer. Rip rap shall be classified and placed as follows:

1. *Stone plain rip rap.* Stone plain rip rap shall be dumped and handled into place to form a compact layer to the design thickness. The thickness tolerance for the course shall be plus 12 inches with no under-tolerance. If the plans do not show a thickness, stone rip rap shall be placed to a thickness of not less than 12 inches and not more than 24 inches.
2. *Stone dumped rip rap.* Stone dumped rip rap shall be dumped into place to form a uniform surface and to the thickness specified in the plans. The thickness tolerance for the course shall be minus six inches and plus 12 inches. If the plans or proposal do not specify a thickness, the course shall be placed to thickness of not less than 24 inches.

C. *Sand-cement bag rip rap.*

1. *Proportioning materials.* Sand and Portland cement shall be mixed at the maximum ratio of 5:1 by weight, and shall obtain a minimum compressive strength of 500 psi in seven days. For sand-cement bag rip rap, the amount of water used shall be just enough to make up the optimum moisture content of the aggregate and cement, as determined by AASHTO: T-134.
2. *Placement.* The bags shall be uniformly filled to the maximum capacity which will permit satisfactory tying. The bagged rip rap shall be placed by hand with the tied ends facing the same direction, with close,

broken joints. When directed by the engineer or required by the plans, header courses shall be placed. After placing, the bags shall be rammed or packed against one another to produce the required thickness and form a consolidated mass. The top of each bag shall not vary more than three inches above or below the required plane.

**Sec. 17. Jacking or boring pit.**

- Corrugated metal pipe...Section 15
- Concrete pipe...Section 15
- Steel pipe...AWWA
- Cast iron pipe...AWWA
- Ductile iron pipe (plain ends)...AWWA

17.03 *Construction.*

A. *Jacking.*

1. When required, suitable pits or trenches shall be excavated for the jacking operation and for placing the end joints of pipe. Where necessary, they shall be securely sheeted and braced to prevent caving.
2. Where pipe is required to be installed under railroads, highways, streets or other facilities by jacking or boring methods, construction shall be done in a manner that will not interfere with the operation of the facility, and shall not weaken the roadbed or structure.
3. Jacks for forcing the pipe through the roadbed shall have a jacking head constructed in such a manner as to apply uniform pressure around the ring of the pipe. The pipe to be jacked shall be set on guides, braced together, to properly support the section of the pipe and direct it to the proper line and grade. In general, roadbed material shall be excavated just ahead of the pipe, the excavated

- material removed through the pipe, and the pipe then forced through the roadbed into the excavated space.
4. The contractor shall furnish for the engineer's approval, a plan showing his proposed method of handling, including the design for the jacking head, jacking support or back stop, arrangement and position of jacks, pipe guides, etc., complete as assembled. If the contractor elects to weld steel pipe or ductile pipe as a casing and carrier, he shall furnish to the state materials and research engineer in writing an acceptable welding procedure. This will consist of joint details, preheat temperature and electrodes to be used. The use of welded steel pipe as a sanitary sewer carrier will not be permitted.
  5. The diameter of the excavation shall conform to the outside diameter and circumference of the pipe as closely as practicable. Any voids which develop during the installation operation and which are determined by the engineer to be detrimental to the work, shall be pressure grouted with an approved mix.
  6. The distance that the excavation extends beyond the end of the pipe will depend upon the character of the excavated material, but shall not exceed two feet in any case. This distance shall be decreased on instructions from the engineer if the character of the material being excavated makes it desirable.
  7. The pipe shall be jacked from the low or downstream end. Variation in the final position of the pipe from the line and grade established by the engineer will be permitted only to the extent of two percent in lateral alignment, and one percent in vertical grade, providing that the final grade of flow line shall be in the direction indicated on the plans.
  8. If the contractor desires, he may use a cutting edge around the head end and extending a short distance beyond the pipe end, with inside angles or lugs to keep the cutting edge from slipping back into the pipe.
  9. When jacking of pipe is once begun, the operation shall be carried on without interruption, insofar as practicable, to prevent the pipe from becoming firmly set in the embankment.
  10. Any pipe damaged in jacking operations shall be removed and replaced by the Contractor at his expense.
  11. The pits or trenches excavated to facilitate jacking operations shall be backfilled immediately after the jacking has been completed.
- B. *Boring.* The boring shall proceed from a pit provided for the boring equipment and workmen. Excavation for pits and installation of shoring shall be outlined as above. The location of the pit shall meet the approval of the engineer. The holes are to be bored mechanically. The boring may be done using a pilot approximately two inches in diameter which shall be bored the entire length of the installation and shall be checked for line and grade on the opposite end of the bore from the work pit. This pilot hole shall serve as the centerline of the larger diameter hole to be bored. Excavated material will be placed near the top of the working pit and disposed of as required. The use of water or other fluids in connection with the boring operation will be permitted only to the extent necessary to lubricate cuttings. Jetting will not be permitted.
1. Allowable variation from line and grade shall be as specified under jacking. The diameter of the excavation shall conform to the outside diameter of the pipe as closely as practicable. Any voids which develop during installation operation and are determined by the engineer to be

detrimental to the work, shall be pressure grouted with an approved mix.

**Sec. 18. Coarse aggregate.**

18.01 *Coarse aggregate.*

A. *Detrimental substance.* The amount of detrimental substances in coarse aggregate shall not exceed the limits listed under the following items:

1. *Portland cement concrete.*
  - a. Mica schist - 5% Mica Schist is qualitatively considered to be those materials defined in ASTM: C 294 as phyllite or schist. To assist in the quantitative analysis of these materials, AASHTO: 7189. Soft Fragments may be used.
  - b. Materials passing the No. 200 sieve - 1.5%.
  - c. Flat or elongated pieces (length greater than five times average thickness) - 10%.
  - d. Sulphur content computed as sulfide sulphur for bridge type structures - 0.01% When the sulphur content exceeds the above maximum in the aggregate, the aggregate shall not be used unless it passes weathering tests equivalent to six months or more exposure and a petrographic analysis.
  - e. Deleterious reaction. Aggregate capable of producing a deleterious reaction when combined with Portland cement shall not be used in Portland cement concrete.
  - f. Other local detrimental substances - 2.0%.
2. *Asphaltic concrete.*
  - a. Flat or Elongated Particles (length greater than five times average thickness) - 10%

- b. Glassy particles (slag) - 30%
- c. Other Local Detrimental Substances - 2%
- d. Fractured faces (gravel) - Crushed gravel shall consist of siliceous particles of which a minimum of 85%, by count, of the material retained on the #4 sieve shall have one or more fractured faces, fractured for the approximate average diameter or thickness of the particle.

3. *Surface treatment.*

- a. Material finer than #200 Sieve - 1%
- b. Flat or elongated particles (length greater than five times average thickness) - 10%
- c. Glassy particles (slag) - 30%
- d. Fractured faces (gravel) - Crushed gravel shall consist of siliceous particles of which a minimum of 85%, by count, of the material retained on the #4 sieve shall have one or more fractured faces, fractured for the approximate average diameter or thickness of the particle.

B. *Classes.* Coarse aggregate is classified in accordance with the following physical properties which will govern its use:

Percent Wear  
AASHTO T-96

	Class A	Class B
Group I Aggregate	0-40	41-60
Group II Aggregate	0-50	51-65

C. *Types.*

1. *Crushed stone.* Crushed stone shall consist of sound, durable particles of rock of the class and gradation specified.

2. *Gravel.* Gravel shall consist of sound, durable rock, free from injurious amounts of coatings of any kind, and shall be of the class and gradation specified.
3. *Crushed slag.* Crushed slag shall consist of sound, durable particles of air-cooled blast-furnace slag, reasonably uniform in density and quality and shall be of the class and gradation specified. In addition to air-cooled blast furnace slag, other slags having demonstrated a satisfactory service record may be used. Dry slag shall weigh not less than 70 pounds per cubic foot compacted and shall not contain more than 30 percent by weight of glassy particles. Slag will not be permitted as an aggregate for Portland cement concrete.
4. *Synthetic aggregate.* Synthetic aggregate consists of expanded clay or shale or other manufactured product which is sound, durable, and of the class and gradation specified.

D. *Groups.*

1. *Group I.* This aggregate shall be limestone, marble or dolomite, or combination thereof. When used in Portland cement concrete of any type or class, it shall meet the abrasion requirement for Class A stone.
2. *Group II.* This aggregate shall be slag, gravel, granite, gneiss, quartzite, synthetic aggregate, or combination thereof.

E. *Grading.* Coarse aggregate shall be well graded between the limits specified and the size or sizes designated shall conform to the limits shown in Table S-1.

F. *Tests.* Methods of tests shall be in accordance with the following:

Soft fragment	AASHTO: T 189
Coal and lignite	AASHTO: T 113
Material passing No. 2 sieve	AASHTO: T 11

Sulphur content	ASTM: E 30, Evolution Method
Weathering test	ASTM: E 42
Petrographic analysis	ASTM: C 295
Soundness (magnesium sulfate)	AASHTO: T 104
Percent wear	AASHTO: T 96
Aggregate gradation	AASHTO: T 27
Reactivity	ASTM: C 227, C 289, and C 586

[Sec. 19. Omitted.]

**Sec. 20. Backfill materials.**

20.01 *Foundation backfill, Type I.* Type I backfill material shall be composed of natural or artificial mixtures of materials consisting of hard, durable particles of sand or stone, together with silt, clay and/or humus material. Maximum dry density shall be not less than 100#/cubic foot.

20.02 *Foundation backfill, Type II.* Type II backfill material shall be crushed stone, well-graded from coarse to fine, other aggregate, or an approved sand-gravel mixture. No overburden or decomposed and/or disintegrated rock will be allowed. All aggregate shall be manufactured from Class A or B coarse aggregate.

A. *Gradation.* The material shall meet the following gradation requirements:

Size:	Percent by Weight
Passing 1½" Sieve	100
Passing 1" Sieve	80-100
Passing No. 8 Sieve	0-5

B. *Tests.* Method of tests shall be in accordance with the following:

Sieve Analysis	AASHTO: T 27
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20.03 *Imperfect trench backfill, Type III.* Type III backfill material shall be a natural soil having a density of not more than 95 pounds per cubic foot when tested in accordance with GHD: 7, or shall be an artificial mixture of soil and organic

material, such as hay, leaves or straw. The mixture, including percentages of each material, shall be as approved by the laboratory.

**[Sec. 21. Omitted.]**

**Sec. 22. Hot mix asphaltic concrete mixtures.**

22.01 All hot mix asphaltic concrete mixtures shall be composed, mixed, transported, applied, and compacted in place in accordance with Georgia Department of Transportation specifications for Type "E" mix for use in residential areas. Acceleration and Deceleration lanes adjacent to collector and arterial streets shall be constructed using Type "E" and Type "B" asphalt plant mix. Thickness of each layer of asphalt shall be as designed by the engineer or as directed by the county engineer.

**Sec. 23. Cement.**

23.01 *Portland cement.* Portland cement shall meet the requirements of AASHTO: M 85 and, in addition, cement which is to be used in Portland cement concrete shall meet the low alkali and the false set requirements of that specification. Cement which has been damaged, or which is partially set, lumpy, or caked shall not be used.

- A. *Types.* Type I or Type II Portland cement shall be used for all Portland cement concrete, except high early strength concrete. If high early strength concrete is used, Type I or Type III Portland cement will be permitted.
- B. *Blends.* Different brands of cement, different types of cement, or the same grade of cement, but from different mills, shall not be mixed or placed in the same storage bin.

23.02 *Portland blast - furnace slag cement.* Portland blast - furnace slag cement for use in cement stabilization shall meet the requirements of AASHTO: M 240, TYPE IS.

23.03 *Portland-Pozzolan cement.* Portland-Pozzolan cement shall meet the requirements of AASHTO: M 240, Type IP, with the following modifications:

- A. The fly ash content shall be limited to a maximum of 25 percent by weight.
- B. The Pozzolan shall be limited to fly ash meeting the requirement of fly ash.

**Sec. 24. Admixtures.**

24.01 *Air entraining admixtures.* Materials for air enhancement in Portland cement concrete mixtures shall meet the requirements of AASHTO: M 154. Compression and flexure tests shall be made at seven and 28 days.

24.02 *Chemical admixtures for concrete.* Chemical admixtures for concrete shall meet the requirements for Type A, B, C, D, and F ASTM: C494, unless otherwise specified. The length change requirements are waived. The admixtures shall contain not more than 0.8% chloride calculated as calcium chloride and the air content shall not exceed 4.0% when prepared in a standard batch without addition or air entraining agent.

24.03 *Fly ash.* Fly ash is the finely divided residue that results from the combustion of ground or powdered coal and is transported from the boiler by flue gases. For these specifications, it is divided into two types, Type A and Type B, the type to be designated for specific usage.

Type A: This type of fly ash is used as an admixture in Portland cement concrete to promote workability and plasticity. The material shall meet the requirements of ASTM: C 618.

Type B: This type of fly ash is used as a partial replacement for Portland cement in Portland cement concrete. The material shall meet the following requirements:

- A. *Chemical.*

Silicon dioxide (SiO <sub>2</sub> ) + Aluminum oxide (Al <sub>2</sub> O <sub>3</sub> ) + Iron oxide (Fe <sub>2</sub> O <sub>3</sub> ) minimum, percent	70.00
Silicon dioxide (SiO <sub>2</sub> ) minimum, percent	40.00

Aluminum oxide (Al <sub>2</sub> O <sub>3</sub> ) minimum, percent	15.00
Magnesium oxide (MgO) maximum, percent	3.00
Sulphur trioxide (SO <sub>3</sub> ) maximum, percent	3.00
Loss on ignition, maximum, percent	6.00
Moisture content, maximum, percent	3.00
Available alkalies as Na <sub>2</sub> O, maximum, percent	1.50
<b>B. <i>Physical.</i></b>	
Percent retained on No. 325 sieve, 45uM maximum, percent	20.00
Pozzolanic activity index strength of lime-pozzolan at 7 days, minimum, psi	800.00
Change of drying shrinkage of mortar bars at 28 days, maximum, percent	+0.03
Soundness	
Autoclave expansion of mortar bars maximum, percent	0.50
<b>C. <i>Tests.</i></b> Laboratory tests for acceptance and project control will be selected by the engineer. Methods of tests shall be in accordance with the following:	
Sampling and testing fly ash	ASTM: C 311

- D. Before manufacture, the manufacturer may request approval of modified designs which differ from those given in the specifications.
- E. The manufacturer of concrete pipe shall file with the engineer a certificate stating that all concrete pipe manufactured in his plant for the use on the project contains at least the minimum requirements of reinforcement steel specified herein. The certificate shall be sworn to for the manufacturer by a person having legal authority to bind the company. The manufacturer shall submit with the certificate a guarantee providing that all concrete pipe will be placed, without cost to the purchaser, if the reinforcement steel does not meet these specifications; and the guarantee shall be worded so as to remain in effect as long as the manufacturer continues to furnish concrete pipe for the use on the project.

**25.02 *Nonreinforced concrete pipe.*** Nonreinforced concrete pipe intended to be used for the conveyance of sewage, industrial waste and storm water shall conform to the requirements of AASHTO: M86 with the following modifications and additions:

- A. Same as above.
- B. Same as above.
- C. Same as above.

**NONREINFORCED PIPE**

**Sec. 25. Concrete pipe.**

**25.01 *Reinforced concrete pipe.*** Reinforced pipe shall meet the requirements of AASHTO: M 170 with the following modifications and additions:

- A. Coarse aggregate shall conform to the requirements of coarse aggregate, except that the requirements for gradation shall not apply.
- B. Fine aggregate shall be clean white concrete sand.
- C. Fly ash used as an admixture shall meet the requirements of fly ash, Type A.

<i>Internal Diameter</i>	<i>Minimum Thickness of Wall, in. (1)</i>	<i>Minimum Strength lb/linear ft. Three-Edge Bearing</i>
12	1	1800
15	1¼	2000
18	1½	2200
21	1¾	2400
24	2⅛	2600

NOTE 1: Where tongue-and-groove pipe is furnished, it shall have a minimum wall thickness of 1¾ in. except that the

above minimum thickness applies if the groove end is modified to give a groove thickness equal to three-fourths of the thickness of the wall of the pipe. This measurement shall be taken one-quarter in. from the outer end of the groove.

- G. The ends of nonreinforced pipe shall be so formed that when the pipe are laid together and joined they will make a conduit with a smooth and regular interior surface.

25.03 *Concrete underdrain pipe.* Unless otherwise restricted on the plans, concrete underdrain pipe may be extrastrength porous concrete conforming to the requirements of AASHTO: M 176, or standard perforated nonreinforced concrete underdrain pipe conforming to the requirements of AASHTO: M 86, Table 1, both with the requirements of AASHTO: M 86, Table, 1, Class 1.

## Sec. 26. Steel pipe.

26.01 *Corrugated steel culvert pipe and pipe arches.* Corrugated steel culvert pipe and pipe arches shall conform to the requirements of Type I or II culvert pipe AASHTO: M36 for the specified dimensions and thicknesses with the following exception:

Special sections, such as elbows and flared end sections for these conduits shall be of the same plate thickness as the conduit to which they are joined, and shall conform to the applicable requirements of AASHTO: M36.

26.02 *Bituminous coated corrugated steel culvert pipe.* Bituminous coated corrugated steel pipe shall conform to the requirements of AASHTO: M190 for the specified sectional dimensions, plate thickness and type of bituminous coating. Coupling bands shall be fully coated with bituminous material.

Special sections, such as elbows and flared end sections, for these conduits shall be of the same plate thickness as the conduit to which they are joined and shall conform to the applicable requirements of AASHTO: M190. Coating and invert paving shall be of the type specified.

26.03 *Steel structural plate for pipe, pipe arches, and arches.* Corrugated steel plate pipe, pipe arches and arches shall consist of structural plates and galvanized corrugated steel of the size, shape, and thickness shown on the plans. They shall conform to the requirements of AASHTO: M167 and AASHTO: M36, and the following additional requirements when applicable.

- A. *Bituminous coating.* If bituminous coating is specified, the coating shall meet all requirements above for the type specified. After the structure has been erected, but before any backfill has been placed, the contractor shall replace any coating which may have been removed or damaged during erection on inside or outside, with bituminous material.
- B. *Forming and punching plates.* After corrugating, each plate shall be curved to the proper radius, and the bolt holes shall be punched in accordance with dimensions shown on the plans. Bolt holes shall be in staggered rows two inches apart, and one hole shall be punched in the valley, and one in the crest of the corrugations for each longitudinal edge of each plate. The centers of the holes shall be not closer to the edge of the plate than two times the diameter of the holes. Bolt holes for circumferential seams shall be space not more than 12 inches center to center. The plates shall be of such thickness and curvature that when bolted together, the circles or arches formed will be in accordance with the plans and specifications for the structure.
- C. *Bolts.* Galvanized bolts, nuts and washers used in the fabrication of the structure shall be furnished by the manufacturer. They shall be at least 11/16 inch in diameter and one to 1<sup>3</sup>/<sub>4</sub> inches long, depending on the thickness and number of plates. The length of the bolts shall be measured from the under side of the bolt head. The under side of the bolt head shall be so shaped that full bearing of the bolt head is obtained. The face of the nut shall be



rounded to the same curvature as the corrugations unless a shaped washer providing full bearing for the nut is used.

**[Sec. 27. Omitted.]**

**Sec. 28. Pipe appurtenances.**

28.01 *Flanges for cast iron pipe and fittings.* These flanges shall conform to ANSI: B 16.1 Class 125.

28.02 *Sewer joint sealing compound.* This hot pour sealing compound shall conform to the Federal Specifications SS-S 169.

28.03 *Resilient clay pipe joints.* These jointing connections shall conform to the requirements of ASTM: C 425.

28.04 *Rubber type gasket joints.*

A. *Concrete pipe jointing.* rubber type gaskets and joints shall conform to the requirements of AASHTO: M 198, Type A, except that for pipe to be used in culvert construction, exfiltration tests will not be required.

B. *Cast iron pipe (all types).* Rubber type gasket joints for cast iron and ductile cast iron pipe shall conform to the requirements of AWWA: C 111.

1. *Plain end pipe.* Plain end cast iron pipe may be joined with steel bolted couplings.

Certification: The pipe, gasket or joint, manufacturer shall furnish to the engineer a certification showing physical properties of the rubber gasket and results of hydrostatic tests of the gasket and pipe to be used in the work.

C. *Steel sewer and water pipe.*

1. Bell and spigot joints for steel water pipe and sewer pipe shall conform to AWWA: C 202. The rubber gasket material shall conform to AWWA: C 301.

2. Plain end steel pipe may be joined with steel bolted couplings.

28.05 *Steel bolted couplings.* Steel bolted couplings for joining plain end pipe (all types).

A. *Couplings.* Couplings shall be of the wedge-gasketed, flared sleeve type. Each coupling shall consist of one steel middle ring, two steel followers, two wedge-shaped rubber-compound gaskets and steel bolts. Couplings shall be of the proper dimensions and type applicable to the size and kind of pipe to be joined, including reducers, where required.

**Sec. 29. Precast concrete catch basin, drop inlet, and manhole units.**

29.01 *Description.* This specification covers the manufacture of precast reinforced concrete catch basins, drop inlets and manhole units. The finished units shall conform to the dimensions shown on the plans.

29.02 *Materials.* The materials to be used shall conform to the following:

All precast concrete structures shall meet ASTM C76 (latest edition).

29.03 *Manufacture.*

A. *Testing and inspection.* Acceptability of the units shall be determined by the results of crushing tests on concrete cylinders and by inspection during manufacture to determine their conformance with the design and workmanship prescribed in these specifications and on the plans.

The units shall be considered ready for acceptance regardless of age when they conform to the strength requirements, as indicated by the specified tests.

The manufacturer shall furnish such facilities and assistance as is required to carry on the sampling and testing in an expeditious and satisfactory manner.

B. *Reinforcement.* Reinforcement shall be as shown on the plans, with the following permissible variations in position:

Except at pipe connections, variations in the position of the reinforcement shall exceed one-fourth inch from the position

shown in the design. The cover on the reinforcement shall not be less than that shown on the plans.

C.  *Casting.* The concrete in each unit shall be placed without interruption, and shall be consolidated by the use of an approved vibrator, supplemented by such hand-tamping as may be necessary to force the concrete into the corners of the forms and prevent the formation of stone pockets or cleavage planes.

1. Holes or pipes. Each hole shall be approximately four inches larger than the outside diameter of the pipe for which it is provided.

D.  *Curing.* The units shall be cured by one or more of the methods given herein for a sufficient length of time so that the concrete will develop the specified compressive strength.

1. The units may be placed in a curing chamber, free from outside drafts and cured in a moist atmosphere not exceeding 160 degrees F. maintained by the injection of steam for such time and such temperature as may be needed to obtain proper curing. The curing chamber shall be so constructed and the units so placed as to allow full circulation of steam around each entire unit.
2. The units may be cured by being kept wet for not less than 72 hours under normal summer temperature conditions. In colder weather the water curing period shall be extended, as directed by the engineer, to provide equivalent curing. The units shall be protected from freezing from the time the concrete is placed and until curing is completed.

E.  *Removal of forms.* The forms shall remain in place until they can be removed without damage to the unit.

F.  *Workmanship.* The units shall be true to shape and their surfaces shall be smooth, dense and uniform in appearance. Minor

surface cavities or irregularities which do not impair the service value of the unit and which can be corrected without marring its appearance shall be pointed with approved mortar as soon as the forms are removed. Such minor defects shall not constitute cause for rejection.

G.  *Compressive strength.* Compression tests for satisfying the minimum strength requirements shall be made on cylinders. A minimum of three cylinders will be made from each day's pour and cured in the same manner as the precast units.

H.  *Rejection.* Units shall be subject to rejection because of failure to meet any of the requirements specified above; and in addition, any or all of the following defects shall be sufficient cause for rejection:

1. Defects that indicate imperfect mixing and molding.
2. Defects indicating honeycombed or open texture.
3. Exposure of the reinforcement when such exposure would indicate that the reinforcement is misplaced.

I.  *Marking.* Each unit shall bear the name or trademark of the manufacturer and the date it was cast, stenciled or otherwise placed thereon in such a manner as to be clearly legible at time of delivery.

J.  *Testing.* Method of test shall be in accordance with the following:

Compressive Strength	AASHTO: T 22 and T 24
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**Sec. 30. Grassing.**

30.01  *Grassing.* The grassing specification to be used in these Chattahoochee County specifications shall be the "Manual for Erosion and Sediment Control in Georgia." The specific sections appertaining (but not limited to) Disturbed Area Stabilization Ds 1, Ds 2 and Ds 3, indicated in chapter 6 pages 6-161 through 6-182.

APPENDIX D

**FRANCHISES**

**Article I. Sumter Electric Membership Corporation**

- Sec. 1. Grant of Franchise to Sumter Electric Membership Corporation.
- Sec. 2. Use of streets, public places, etc., conditioned on payment of franchise fee.
- Sec. 3. Considerations, terms and conditions.
- Sec. 4. Mutual agreement.
- Sec. 5. Repeal of former ordinances.



## **ARTICLE I. SUMTER ELECTRIC MEMBERSHIP CORPORATION\***

GRANT OF FRANCHISE ORDINANCE TO  
SUMTER ELECTRIC MEMBERSHIP CORPO-  
RATION ORDINANCE 2004-4.

### **Sec. 1. Grant of Franchise to Sumter Elec- tric Membership Corporation.**

The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia hereby ordains by the authority of same that the authority, right, permission and consent are hereby granted to Sumter Electric Membership Corporation (hereinafter referred to as SEMCO) which is an electric membership corporation defined in O.C.G.A. Title 46, chapter 3, Article 4 [O.C.G.A. § 46-3-270 et seq.] their successors, lessees and assigns (the "company") subject to the terms and conditions set forth hereinafter for a period of 35 years, to occupy and use the streets, alleys and public places of the Unified Government of Cusseta-Chattahoochee County (hereinafter referred to as the "government") within the present and future limits of the government as from time to time the company may deem proper or necessary for the overhead or underground construction, maintenance, operation, and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and such other related uses as SEMCO may authorize and to re-enter upon such streets, alleys, and public places from time to time as the company may deem proper or necessary to perform those functions and to cut and trim trees and shrubbery, excavate streets,

\***Editor's note**—Printed herein is Ordinance No. 2004-4, adopted March 2, 2004. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of expression of numbers in text as appears in the Code of Ordinances has been used. Additions for clarity are indicated by brackets.

sidewalks and other government rights of way (which shall be undertaken and repaired in a manner approved by the government or its designee) when and where necessary, in the judgment of the company, to ensure safe and efficient service.

### **Sec. 2. Use of streets, public places, etc., conditioned on payment of franchise fee.**

During the term of this, the use by SEMCO of the streets, alleys, public places and other property of the government for the operation of SEMCO's electric distribution systems and the grant of the requisite street franchise rights is expressly conditioned upon payment of franchise fees pursuant to this ordinance, and continued use and occupancy of such Cusseta-Chattahoochee county property for said purpose without payment of such franchise fees shall be unlawful, and Cusseta-Chattahoochee County shall be entitled to enforce compliance with this Ordinance by appropriate proceeding at law or in equity.

### **Sec. 3. Considerations, terms and condi- tions.**

The rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions:

- (1) SEMCO shall pay into the treasury of Cusseta-Chattahoochee County, on or before the 1st day of March of each year during the terms of this Agreement, beginning with the year 2004 (it being understood that the first payment due hereunder will be due March 1, 2005), a sum of money equal to four percent of the gross sales of electric energy to customers served under residential and commercial rate schedules (as filed by SEMCO with the Georgia Public Service Commission) within the corporate limits of Cusseta-Chattahoochee County during the preceding calendar year on the condition that, in the event that Cusseta-Chattahoochee County grants to any other entity the right to use and occupy its streets for the same purposes as authorized in this Agreement,

such use and occupancy shall be upon the same terms and conditions as those herein contained, including, but not limited to, franchise fees to be paid hereunder. There shall be excluded from the gross sales used to calculate the franchise fee all commercial customers of SEMCO with a kilowatt demand of 50 kW (or 50 kVA allocation) or greater, and also all municipal and governmental service loads, within the limits of Cusseta-Chattahoochee County.

- (2) The payment of the franchise fee provided for herein shall be in lieu of all occupation, license, business, excise, and special license or franchise taxes or fees, and in full satisfaction of all monetary demands and charges, except for ad valorem taxes on property and license taxes on the sale of appliances, and whatever amount, if any, shall at any time be required or exacted for the benefit of Cusseta-Chattahoochee County on any of said accounts, or on any account, other than ad valorem taxes on property and license taxes on the sale of appliances, shall be utilized to reduce to the extent the amount due from the percentage of gross sales provided for herein.
- (3) SEMCO shall fully protect, indemnify and save harmless the government from all damages to persons or property caused by the construction, maintenance, operation or extension of poles, wires or other apparatus, or conditions of street, alleys or public places resulting therefrom for which Cusseta-Chattahoochee County would otherwise be liable.
- (4) SEMCO shall, in constructing, maintaining, operating and extending its poles, wires and other apparatus submit and be subject to all reasonable exercises of the police power by Cusseta-Chattahoochee County. Nothing contained herein shall require the company (SEMCO) to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the government or for any purpose at the instance of any other entity, private or governmental.
- (5) The grant of the rights, permission and consents by the government to the company (SEMCO) contained in this ordinance are specifically conditioned upon the payment of all sums due the government in accordance with the rate, conditions and payment dates set forth in paragraph (1) above, and failure by the company (SEMCO) to timely pay the franchise fees required by said paragraph (1) shall constitute a forfeiture of all rights granted by this ordinance from and after April 1, 2004, the company's continued use and occupancy of the streets, alleys and public places of the government for the aforesaid purposes shall evidence the company's acceptance of the franchise granted hereby and shall render the company (SEMCO) liable for payment of all fees required by paragraph (1) hereof. In the event of a forfeiture for failure to comply with such requirements, the company (SEMCO) shall nevertheless remain liable for all sums accrued until such time as the streets are vacated due to such forfeiture.
- (6) Notwithstanding any other provision of this Ordinance to the contrary, in the event that, as a result of an amendment to or an interpretation of federal or state law, or regulations promulgated thereunder, or a result of a decision by a court of competent jurisdiction in the State of Georgia, or by a regulatory body with jurisdiction over electric utility companies operating in Georgia, any provision of this Ordinance, or any provision of a similar franchise ordinance between a local governmental body and a utility company which are not parties to this Ordinance or any provision of a duly adopted local government ordinance establishing or imposing franchise fees upon a utility company operating in the State of Georgia, is declared invalid, unenforceable or unreasonable, it is provided that either party herein named will have the right to terminate

any agreement entered into by the parties herein named upon the terminating party providing 90 days written notice of their intent to do so to the other party herein named and any Agreement entered into between the parties herein named shall be deemed to be terminated at the conclusion of such 90 day period provided that the government retains the right to cure such occurrence by exercise of its legislative power.

**Sec. 4. Mutual agreement.**

Any franchise agreement entered into between the government and SEMCO in accord with the terms of this Ordinance shall not be effective unless and until formally adopted by both the government and SEMCO. Such franchise agreement shall include all of the provisions of this Ordinance and such other additional provisions, not in conflict with this Ordinance, that the parties deem appropriate.

**Sec. 5. Repeal of former ordinances.**

Be it further ordained that all laws and ordinances of either the former City of Cusseta, Georgia and the former Chattahoochee County, Georgia in conflict herewith be and the same are hereby repealed.

The foregoing Ordinance adopted by the commission of Cusseta-Chattahoochee County, Georgia this 2 day of March, 2004.





## CODE COMPARATIVE TABLE

### ORDINANCES

This table gives the location of Ordinance adopted and included within this Code of Ordinances. Ordinances adopted by the former City of Cusseta are referenced as "City Ord." Ordinances adopted by Chattahoochee County are referenced as "County Ord." Ordinance adopted by the Unified Government of Cusseta-Chattahoochee County, Georgia are referenced as "U.G. Ord."

Ordinance Number	Date	Section	Section this Code
6-71(City)	7-12-1971	1	18-66
3-74(City)	4- 2-1974	1	18-67
6-74(City)	10-21-1974	1	26-2
4-75(City)	10- 7-1975	1	6-3
7-76(City)	6- 7-1976		6-2
2-77(City)	5- 9-1977	1	18-46
5-85(City)	10-14-1985	1.12	10-25
County(Ord.)	11- 5-1985	1	10-19
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		7	8-2
1-96(City)	4-10-1996	A—D	26-7
		F	26-7
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02-98(City)	2- 9-1998	98-99.10, 98-99.11	26-4, 26-5
		98-99.13	26-6
03-98(City)	2- 9-1998	98-130	18-21
1998-2(County)	5- 5-1998	art. I	8-38
1999-2(County)	10- 5-1999	2	14-96
1-00(County)	1- 4-2000	B(2)	20-21
		B(3)	20-23
		B(4), (6)	20-24
		B(5)	20-22
		B(7)	20-28
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		B(9a), (9b)	20-29
		B(10)	20-27
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		2	10-54
		3—6	10-56—10-59
County(Ord.)	2- 5-2002		24-28
2003-1(County)	2- 4-2003	1	22-21

UNIFIED GOVERNMENT CODE

Ordinance Number	Date	Section	Section this Code
		2	22-19
		3—7	22-22—22-26
		8	22-20
2004-1(U.G.)	1- 6-2004	1	6-25
		2—5	6-27—6-30
		7—10	6-32—6-35
		11	6-26
2004-2(U.G.)	1- 7-2004		App. A, §§ 1—19
2004-3(U.G.)	2- 3-2004	1—18	14-19—14-36
		19	14-29
		20—23	14-37—14-40
		25—29	14-41—14-45
2004-5(U.G.)	6- 1-2004	art. 1, §§ A—D	12-21—12-24
		art. 2, § B	12-26
		art. 2, § C	12-50
		art. 2, §§ D—G	12-27—12-30
		art. 2, § H	12-20
		art. 2, § S	12-25
		art. 3, §§ A, C	12-49
		art. 3, § B	12-50
		art. 4, §§ A—E	12-76—12-80
		art. 5	12-51
		art. 6	12-19
2004-6(U.G.)	8- 3-2004	1—5	14-64—14-68
2005-1(U.G.)	4- 5-2005	1, 2	14-124, 14-125
2008-1(U.G.)	3- 4-2008		App. A, §§ 7—9
2008-01(U.G.)	3- 4-2008		App. A, § 11.12
2008-2(U.G.)	7- 1-2008	1	App. A, § 12
2008-3(U.G.)	9- 2-2008	1—14	28-19—28-32
2009-1(U.G.)	3- 3-2009	1—8	22-19—22-26
2009-2(U.G.)	4- 7-2009	1—7	Adopting ord., p. xi
2009-3(U.G.)	5- 5-2009	1—6	Added 14-151—14-156
2009-4(U.G.)	9- 1-2009		4-1—4-4, 4-6—4-20, 4-22—4-39, 4-41
2010-1(U.G.)	4- 5-2010	1—4	16-19—16-22
2010-2(U.G.)	8- 3-2010	art. 1, §§ A—D	12-19—12-22
		art. 2, §§ A—H	12-23—12-30
		art. 3, §§ A—C	12-51—12-53
		art. 4, §§ A—G	12-76—12-82
		art. 5	12-31
		art. 6	12-32
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2010-4(U.G.)	12- 7-2010	1—6	App. A, § 11.12
2010-5(U.G.)	12- 7-2010	1, 2	Added 10-76, 10-77
2011-01(U.G.)	7- 5-2011	1—4	Added 14-176—14-179
2012-1(U.G.)	12- 6-2011	1—4	Added 18-68
2012-2(U.G.)	1- 1-2012		Added App. A, § 15.1.1
2012-3(U.G.)	7- 3-2012	1—4	Added 16-51—16-54
(Ord.)(U.G.)	9- 4-2012		App. B, §§ 1—7
2012-4(U.G.)	9- 4-2012	1—6	Added 9-1—9-6
2012-5(U.G.)	12-18-2012		4-25(b) Rpld 4-25(d)
2013-1(U.G.)	5-14-2013		App. A, § 5.2 App. A, § 8.4
2015-1(U.G.)	9- 1-2015		24-28

CODE COMPARATIVE TABLE

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>		<b>Section this Code</b>
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2016-1(U.G.)	3- 1-2016	I—IV	Added	28-1
2016-2(U.G.)	5-10-2016	I, II		App. B, § 2
2016-3(U.G.)	8- 2-2016	I—VI	Added	2-31—2-37
2018-2(U.G.)	6- 5-2018	1		26-7
2020-1(U.G.)	1- 7-2019	1—3	Added	16-81—16-83
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