

**The Municipal Code of
The City of Williamson, Georgia
2019**

A Codification of the General Ordinances
of the City of Williamson, Georgia

Adopted on 1 August, 2019

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Table of Contents

ADOPTING ORDINANCE	1
Sec. 0-1 TITLE.....	1
Sec. 0-2 REPEAL.....	1
Sec. 0-3 PRIOR OFFENSES, CONTRACTS AND INDEBTEDNESS.....	1
Sec. 0-4 CONTINUATION.....	1
Sec. 0-5 INCLUSION.....	1
Sec. 0-6 AVAILABILITY.....	2
Sec. 0-7 RETENTION.....	2
Sec. 0-8 PENALTY.....	2
Sec. 0-9 ALTERATION.....	2
Sec. 0-10 CONFLICTING ORDINANCES REPEALED.....	2
Sec. 0-11 EFFECTIVE DATE.....	2
Title 1 GENERAL PROVISIONS	2
Chapter 1-1 USE OF CODE AND PENALTIES	2
Sec. 1-1-1 HOW CODE DESIGNATED AND CITED	2
Sec. 1-1-2 RULES OF CONSTRUCTION.....	2
Sec. 1-1-3 CATCHLINES OF SECTIONS.....	4
Sec. 1-1-4 SEVERABILITY OF PARTS OF CODE	4
Sec. 1-1-5 PENALTIES FOR VIOLATION OF CODE.....	4
Sec. 1-1-6 AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE.....	6
Sec. 1-1-7 ALTERING CODE	6
Sec. 1-1-8 PRIOR OFFENSES, PENALTIES, CONTRACTS OR RIGHTS NOT AFFECTED BY ADOPTION OF CODE.....	6
Sec. 1-1-9 PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.....	6
Sec. 1-1-10 CERTAIN ORDINANCES NOT AFFECTED BY CODE	6
Title 2 GENERAL GOVERNMENT	7
Chapter 2-1 MAYOR AND COUNCIL	7
Article A GENERAL PROVISIONS	8

Sec. 2-1-1 COMPENSATION	8
Article B MEETINGS	8
Sec. 2-1-11 REGULAR MEETINGS.....	8
Sec. 2-1-12 ADJOURNED MEETINGS.....	8
Sec. 2-1-13 ORDER OF BUSINESS.....	8
Sec. 2-1-14 RULES OF PROCEDURE.....	9
Sec. 2-1-15 PREVIOUS QUESTIONS.....	9
Sec. 2-1-16 MOTIONS HAVING PRECEDENCE.....	9
Sec. 2-1-17 MOTION TO ADJOURN.....	9
Chapter 2-2 ELECTIONS.....	9
Sec. 2-2-1 ELECTION OFFICIALS	10
Sec. 2-2-2 VOTER REGISTRATION DEADLINE	10
Sec. 2-2-3 NOTICE OF CANDIDACY; FILING DATES	10
Sec. 2-2-4 QUALIFICATION FEES	10
Sec. 2-2-5 POLLING PLACES	10
Chapter 2-3 MUNICIPAL COURT.....	10
Chapter 2-4 ADMINISTRATION.....	10
Sec. 2-4-1 CITY CLERK-TREASURER; DUTIES	10
Sec. 2-4-2 CITY ATTORNEY; DUTIES	11
Sec. 2-4-3 DEPARTMENTS ESTABLISHED	11
Chapter 2-5 FINANCE AND TAXATION	11
Article A GENERAL PROVISIONS AND FINANCIAL POLICY	12
Sec. 2-5-1 FISCAL YEAR AND BUDGETING.	12
Sec. 2-5-2 PURCHASING.....	15
Sec. 2-5-3 INVESTMENTS.....	15
Sec. 2-5-4 DEBT MANAGEMENT	16
Sec. 2-5-5 CAPITAL ASSETS	17
Sec. 2-5-6 GRANTS.....	20

Sec. 2-5-7 INTERNAL CONTROLS.....	21
Sec. 2-5-8 ACCOUNTING, AUDITS AND FINANCIAL REPORTING	24
Article C PROPERTY TAXES (RESERVED).....	25
Article D OCCUPATION, PROFESSION AND BUSINESS TAXES	25
Sec. 2-5-21 DEFINITIONS	25
Sec. 2-5-22 LEVY OF TAX.....	26
Sec. 2-5-23 SEPARATE BUSINESSES.	26
Sec. 2-5-24 REGISTRATION REQUIRED	26
Sec. 2-5-25 PAYMENT OF TAX	26
Sec. 2-5-26 ISSUANCE OF TAX CERTIFICATE	27
Sec. 2-5-27 CERTIFICATE TO BE DISPLAYED.....	27
Sec. 2-5-28 CHANGE OF ADDRESS.....	27
Sec. 2-5-29 CHANGE OF OWNERSHIP; TRANSFERS	27
Sec. 2-5-30 SPECIAL PROVISIONS FOR INSURANCE COMPANIES.....	27
Sec. 2-5-31 FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX.....	29
Sec. 2-5-32 ENFORCEMENT	29
Sec. 2-5-33 PENALTIES.....	29
Sec. 2-5-34 CRIMINAL PENALTIES; LICENSES REVOKED	29
Chapter 2-6 CODE OF ETHICS	30
Sec. 2-6-1 PURPOSE	30
Sec. 2-6-2 SCOPE.....	30
Sec. 2-6-3 DEFINITIONS	30
Sec. 2-6-4 PROHIBITIONS.....	31
Sec. 2-6-5 CONFLICT OF INTEREST.....	33
Sec. 2-6-6 BOARD OF ETHICS.....	33
Sec. 2-6-7 RECEIPT OF COMPLAINTS	34
Sec. 2-6-8 SERVICE OF COMPLAINT.....	35
Sec. 2-6-9 RIGHT TO APPEAL	35
Sec. 2-6-10 PENALTY	36
Title 3 PUBLIC SAFETY	36

Chapter 3-1 LAW ENFORCEMENT – (Reserved)	36
Chapter 3-2 FIRE PREVENTION AND PROTECTION	36
Sec. 3-2-1 FIRE CHIEF AND MEMBERS	36
Sec. 3-2-2 INTERFERING WITH EQUIPMENT.....	36
Sec. 3-2-3 ENFORCEMENT.	36
Sec. 3-2-4 TAMPERING WITH ALARM SYSTEM.....	37
Sec. 3-2-21 FIRE PREVENTION CODE ADOPTED.	37
Sec. 3-2-22 FIRE LIMITS DEFINED.	37
Sec. 3-2-23 BURNING OF JUNKED AUTOMOBILES.	37
Title 4 PUBLIC WORKS; STREETS, RIGHTS-OF-WAY, SIDEWALKS AND OTHER PUBLIC PLACES	37
CHAPTER 4-1 GENERAL	37
Sec. 4-1-1 PENALTY	37
Sec. 4-1-2 OBSTRUCTION OF RIGHT-OF-WAY.....	38
Sec. 4-1-3 USE BY PUBLIC UTILITIES.....	38
Sec. 4-1-4 UTILITY AND RIGHT-OF-WAY DISTURBANCE PERMITS	38
CHAPTER 4-2 INSTALLATION, REPAIRS AND MAINTENANCE.....	39
Sec. 4-2-1. PENALTY	39
Sec. 4-2-2. PERMIT REQUIRED	39
Sec. 4-2-3. PERMIT PROCEDURE, POLICY AND GUIDELINES.....	39
Sec. 4-2-4 BOND AND INSURANCE REQUIREMENTS.	40
Sec. 4-2-5. ROAD SIGNAGE AND WARNINGS	41
Sec. 4-2-6. DAMAGING STREETS, CITY PROPERTY, ETC.; REMOVING DIRT.....	42
Sec. 4-2-7. REPAIR AFTER EXCAVATION.	42
Sec. 4-2-8. CITY ACCEPTANCE AND MAINTENANCE OF CITY STREETS AND RIGHTS-OF-WAY.	42
Chapter 4-3 SOLID WASTE COLLECTION AND DISPOSAL	43
Sec. 4-3-1 PREPARATION AND STORAGE OF WASTE.....	44
Sec. 4-3-2 UNAUTHORIZED ACCUMULATION OF SOLID WASTE; NUISANCE.	44

Sec. 4-3-3 SCAVENGING.....	44
Sec. 4-3-4 PENALTIES.....	44
Sec. 4-3-5 RECYCLING.....	44
Chapter 4-4 PARKS AND RECREATION	44
Sec. 4-4-1. DEFINITIONS.....	44
Sec. 4-4-2. DEPARTMENT OF PARKS AND RECREATION.....	45
Sec. 4-4-3. DUTIES OF PARKS AND RECREATION DIRECTOR.....	46
Title 5 MUNICIPAL UTILITIES.....	46
Chapter 5-1 WATER SUPPLY.....	46
Sec. 5-1-1 TAPPING CHARGE.....	47
Sec. 5-1-2 METERS.....	47
Sec. 5-1-3 SCHEDULE OF WATER RATES.....	47
Sec. 5-1-4 DEPOSIT REQUIRED; DISCONTINUANCE OF SERVICE FOR NONPAYMENT; REINSTATEMENT OF SERVICE.....	47
Sec. 5-1-5 CONNECTIONS TO BE PERFORMED BY AUTHORIZED PERSONS.....	47
Sec. 5-1-6 UNLAWFUL TO TAMPER WITH METER OR ANY PARTS THEREOF.....	47
Sec. 5-1-7 ONLY AUTHORIZED PERSONS TO USE WATER FROM PUBLIC HYDRANTS.....	47
Title 6 PLANNING AND DEVELOPMENT	48
Chapter 6-1 GENERAL PROVISIONS.....	48
Sec. 6-1-1 MINIMUM LOT SIZES AND SETBACKS.....	48
Chapter 6-2 BUILDING REGULATION AND CODE ENFORCEMENT	48
Article A -- ADMINISTRATION	49
Article B -- BUILDING.....	49
Sec. 6-2-11 BUILDING CODE ADOPTED.....	49
Article C -- ELECTRICAL	49
Sec. 6-2-21 ELECTRICAL CODE ADOPTED.....	49
Sec. 6-2-22 APPLICABILITY OF PROVISIONS TO HOME OWNERS.....	50
Sec. 6-2-23 PERMITS.....	50

Sec. 6-2-24 PERMIT FEES.	50
Sec. 6-2-25 INSPECTIONS.....	50
Article D -- PLUMBING	50
Sec. 6-2-31 PLUMBING CODE ADOPTED.	50
Article E -- GAS.....	51
Sec. 6-2-41 GAS CODE ADOPTED.....	51
Sec. 6-2-42 APPLICABILITY OF PROVISIONS TO HOME OWNERS.....	51
Article F – HEATING AND AIR CONDITIONING.....	51
Sec. 6-2-51 HEATING AND AIR CONDITIONING CODE ADOPTED.....	51
Article G – SWIMMING POOL CODE	52
Sec. 6-2-61 SWIMMING POOL CODE ADOPTED.	52
Article H – STANDARDS FOR MANUFACTUED HOMES.....	52
Sec. 6-2-71 ANSI STANDARDS ADOPTED.	52
Sec. 6-2-72 MANUFACTURED HOME PERMITS.	52
Chapter 6-3 SUBDIVISIONS.....	52
ARTICLE A PREAMBLE	52
ARTICLE B SHORT TITLE.....	52
ARTICLE C DEFINITIONS	52
ARTICLE D PLATTING, JURISDICTION, ENFORCEMENT	55
Sec. 6-3-1. PLATTING AUTHORITY	55
Sec. 6-3-2. USE OF PLAT.....	55
Sec. 6-3-3. OPENING AND IMPROVING PUBLIC STREETS	55
Sec. 6-3-4. ERECTION OF BUILDINGS.....	56
ARTICLE E PREAPPLICATION REVIEW.....	56
ARTICLE F PRELIMINARY PLAT PROCEDURE	56
Sec. 6-3-5. APPLICATION FOR PRELIMINARY PLAT APPROVAL	56
Sec. 6-3-6. REVIEW OF PRELIMINARY PLAT.....	57
ARTICLE G PRELIMINARY PLAT SPECIFICATIONS	57
Sec. 6-3-7. SCALE	58
Sec. 6-3-8. SHEET SIZE.....	58

Sec. 6-3-9. INFORMATION TO BE PROVIDED ON THE PRELIMINARY PLAT	58
Sec. 6-3-10. CERTIFICATE OF TENTATIVE APPROVAL	59
ARTICLE H FINAL PLAT PROCEDURE	59
Sec. 6-3-11. APPLICATION FOR FINAL PLAT APPROVAL	59
Sec. 6-3-12. REVIEW OF FINAL PLAT	60
Sec. 6-3-13. ACCEPTANCE OF DEDICATION	60
Sec. 6-3-14. RECORDING OF THE FINAL PLAT	60
ARTICLE I FINAL PLAT SPECIFICATIONS	60
Sec. 6-3-15. FINAL PLAT SPECIFICATIONS	60
ARTICLE J GENERAL DESIGN REQUIREMENTS	62
Sec. 6-3-16. SUITABILITY OF LAND	63
Sec. 6-3-17. NAME OF THE SUBDIVISION	63
Sec. 6-3-18. ACCESS	63
Sec. 6-3-19. CONFORMANCE TO ADOPTED THOROUGHFARES AND OTHER PLANS	63
Sec. 6-3-20. LARGE SCALE DEVELOPMENTS	63
ARTICLE K GENERAL REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY	64
Sec. 6-3-21. CONTINUATION OF EXISTING STREETS	64
Sec. 6-3-22. STREET NAMES	64
Sec. 6-3-23. STREET JOGS	64
Sec. 6-3-24. CUL-DE-SACS	64
Sec. 6-3-25. DEVELOPMENT ALONG THOROUGHFARES, LIMITED ACCESS HIGHWAYS, OR RAILROAD RIGHTS-OF-WAY	64
Sec. 6-3-26. ALLEYS	64
Sec. 6-3-27. RESERVE-STRIPS	65
Sec. 6-3-28. EASMENTS	65
Sec. 6-3-29. DRAINAGE RIGHT-OF-WAY	65
ARTICLE L STREET DESIGN REQUIREMENTS	65
ARTICLE M DESIGN STANDARDS FOR BLOCKS AND LOTS	65
Sec. 6-3-30. BLOCK LENGTHS AND WIDTHS	65
Sec. 6-3-31. LOT SIZES	66
Sec. 6-3-32. LOT LINES	66

Sec. 6-3-33. FRONT YARD SETBACKS	66
Sec. 6-3-34. LOTS ABUTTING PUBLIC STREETS	66
Sec. 6-3-35. DOUBLE AND REVERSE FRONTAGE LOTS	66
ARTICLE N REQUIRED IMPROVEMENTS.....	66
Sec. 6-3-36. STREET IMPROVEMENTS	66
Sec. 6-3-37. IMPROVEMENTS BOND	67
ARTICLE O LEGAL STATUS PROVISIONS	67
Sec. 6-3-38. CONFLICT WITH OTHER REGULATIONS	67
Sec. 6-3-39. VALIDITY.....	67
Sec. 6-3-40. REPEAL OF CONFLICTING RESOLUTIONS	67
Sec. 6-3-41. EFFECTIVE DATE	67
Chapter 6-4 SIGN ORDINANCE.....	68
Article A GENERAL PROVISIONS	68
Sec. 6-4-1 PURPOSE AND FINDINGS	68
Sec. 6-4-2 PREAMBLE.....	70
Sec. 6-4-3: SHORT TITLE.....	70
Sec. 6-4-4 ADMINISTRATION	70
Sec. 6-4-5. DEFINITIONS	70
Article B PROCEDURES	72
Sec. 6-4-6 PROCEDURES, ISSUANCE OF PERMITS, AND FILING.....	72
Sec. 6-4-7 INSPECTION.....	74
Article C REGULATION	74
Sec. 6-4-8 UNSAFE AND UNLAWFUL SIGNS.....	74
Sec. 6-4-9 REMOVAL OF CERTAIN SIGNS.....	75
Sec. 6-4-10 OBSTRUCTIONS TO DOORS WINDOWS OR FIRE ESCAPE	75
Sec. 6-4-11 SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD	75
Sec. 6-4-12 FACE OF SIGN SHALL BE FREE OF PROTRUSIONS	75
Sec. 6-4-13 OBSCENE MATTER	75
Sec. 6-4-14 LOCATIONS ALLOWED	75

Sec. 6-4-15	LAWFUL MESSAGES	76
Sec. 6-4-16	FREE STANDING SIGNS.....	76
Sec. 6-4-17	WALL SIGNS.	77
Sec. 6-4-18	BANNERS, PENNANTS, SEARCH LIGHTS, ETC.....	78
Sec. 6-4-19	SIGNS ADVERTISING SHOPPING CENTERS, ETC.	78
Sec. 6-4-20	GROUPED CIVIC/RELIGIOUS INSIGNIA – SIGNS.	79
Sec. 6-4-21	HOME OCCUPATION SIGNS	79
Sec. 6-4-22	POINT OF ENTRY SIGNS.....	79
Sec. 6-4-23	TEMPORARY SIGNS	80
Sec. 6-4-24	POLITICAL SIGNS	80
Sec. 6-4-25	SANDWICH BOARD SIGNS.....	81
Sec. 6-4-26	PETROLEUM STATION SIGNS	81
Sec. 6-4-27	PROHIBITED SIGNS.....	82
Sec. 6-4-28	SIGNS EXEMPT FROM PERMIT REQUIREMENTS.....	83
Article D	COMPLIANCE, PENALTIES, ADDITIONAL FEES, SEPARABILITY.....	83
Sec. 6-4-29	NONCONFORMING USE.....	84
Sec. 6-4-30	PENALTIES	85
Sec. 6-4-31	ADDITIONAL FEES FOR NON-COMPLIANCE	85
Sec. 6-4-32	SEPARABILITY	85
Chapter 6-5	ZONING – Reserved (See Williamson Zoning Ordinance §156.001, et. seq.)	85
Title 7	LICENSING AND REGULATION.....	85
Chapter 7-1	GENERAL PROVISIONS.....	85
Sec. 7-1-1	DEFINITIONS	86
Sec. 7-1-2	LICENSE OR OCCUPATIONAL TAX RECEIPT REQUIRED	86
Sec. 7-1-3	SEPARATE BUSINESSES	87
Sec. 7-1-4	APPLICATION; FEE; TEMPORARY BUSINESS.....	87
Sec. 7-1-5	ADMINISTRATION OF CHAPTER.....	88
Sec. 7-1-6	DUTIES OF ADMINISTRATOR	88
Sec. 7-1-7	DURATION OF LICENSE OR OCCUPATIONAL TAX RECEIPT	88

Sec. 7-1-8 CASUAL AND ISOLATED ACTIVITY	88
Sec. 7-1-9 SPECIAL DAILY BUSINESS LICENSE OR OCCUPATIONAL TAX RECEIPT	88
Sec. 7-1-10 PROCEDURE FOR ISSUANCE	89
Sec. 7-1-11 DISPLAY OF LICENSES, RECEIPTS AND REGISTRATIONS.....	89
Sec. 7-1-12 RENEWAL OF LICENSES OR RECEIPTS	90
Sec. 7-1-13 REVOCATION; SUSPENSION.....	90
Sec. 7-1-14 CHANGE OF ADDRESS.....	90
Sec. 7-1-15 TRANSFER OF LICENSES OR RECEIPTS	90
Sec. 7-1-16 ISSUANCE OF REPLACEMENT LICENSES OR RECEIPTS	90
Sec. 7-1-17 SPECIAL PROVISIONS FOR DISABLED VETERANS.....	91
Sec. 7-1-18 VIOLATIONS AND PENALTIES.....	91
Sec. 7-1-19 DEFENSE TO PROSECUTION.....	91
Sec. 7-1-20 OWNER AND MANAGER BOTH PUNISHABLE FOR VIOLATIONS.....	91
Sec. 7-1-21 HOURS OF OPERATION OF BUSINESSES	92
Sec. 7-1-22 SUBSEQUENT AMENDMENTS; OTHER FEES	92
Chapter 7-2 PEDDLING, SOLICITING AND CANVASSING	92
Sec. 7-2-1 REGISTRATION REQUIRED	92
Sec. 7-2-2 REGISTRATION; FEE; APPLICATION FOR IDENTIFICATION CARD.....	92
Sec. 7-2-3 EXHIBITION OF REGISTRATION CARD	92
Sec. 7-2-4 UNLAWFUL ACTS.	93
Sec. 7-2-5 DEFINITIONS OF CANVASSING, PEDDLING AND SOLICITING.....	93
Chapter 7-3 MISCELLANEOUS REGULATIONS.....	93
Sec. 7-3-1 PARADES; PERMIT REQUIRED.....	93
Sec. 7-3-2 APPLICATION FOR PERMIT.....	94
Sec. 7-3-3 INVESTIGATION.....	94
Chapter 7-4 ALCOHOLIC BEVERAGES	94
Sec. 7-4-1 TITLE.....	95
Sec. 7-4-2 PURPOSE	95
Sec. 7-4-3 APPLICABILITY OF CHAPTER.....	96

Sec. 7-4-4 DEFINITIONS.....	96
Sec. 7-4-5 AUTHORITY TO ISSUE LICENSES.....	99
Sec. 7-4-6 LICENSE REQUIRED	99
Sec. 7-4-7 APPLICATION; INVESTIGATION CONSENT	100
Sec. 7-4-8 ELIGIBILITY FOR LICENSE.....	101
Sec. 7-4-9 INDIVIDUAL, BUSINESS OR ASSOCIATION ENTITIES; NAMED LICENSEE.....	101
Sec. 7-4-10 JOINT RESPONSIBILITY.	102
Sec. 7-4-11 DESIGNATION OF STORE MANAGER.	102
Sec. 7-4-12 CITIZENSHIP AND RESIDENCY REQUIREMENTS.	103
Sec. 7-4-13 LICENSE CONSTITUTES GRANT OF PRIVILEGE.....	104
Sec. 7-4-14 SUBMITTING FALSE APPLICATION	104
Sec. 7-4-15 LICENSE FEES.....	104
Sec. 7-4-16 APPLICATION FEE.	105
Sec. 7-4-17 DURATION OF LICENSES	105
Sec. 7-4-18 STANDARDS FOR GRANTING OR DENIAL.....	105
Sec. 7-4-19 PROCEDURE FOR CONSIDERATION OF APPLICATION; TEMPORARY LICENSES.....	107
Sec. 7-4-20 DENIAL OF LICENSE.....	108
Sec. 7-4-21 GENERAL QUALIFICATIONS OF LICENSEES	108
Sec. 7-4-22 TRANSFERABILITY OF LICENSE.	108
Sec. 7-4-23 HOURS OF OPERATION.....	109
Sec. 7-4-24 RETAIL PACKAGE LICENSES	110
Sec. 7-4-25 RETAIL CONSUMPTION ON THE PREMISES LICENSES	111
Sec. 7-4-26 FARM WINE TASTING ROOM.....	111
Sec. 7-4-27 RETAIL PACKAGE SALES AND RETAIL POURING SALES	112
Sec. 7-4-28 RETAIL DEALER QUALIFICATIONS	112
Sec. 7-4-29 WHOLESALE DEALER QUALIFICATIONS	113
Sec. 7-4-30 REGULATIONS OF RETAIL DEALERS	114
Sec. 7-4-31 MERCHANDISE AND SALES RESTRICTIONS	115
Sec. 7-4-32 REGULATIONS OF WHOLESALE DEALERS	115
Sec. 7-4-33 POURING LICENSES.....	115
Sec. 7-4-34 BROWNBAGGING.....	118

Sec. 7-4-35 ALCOHOLIC BEVERAGE CATERERS	118
Sec. 7-4-36 SPECIAL EVENTS FACILITY	119
Sec. 7-4-37 ALCOHOL HANDLING PERMITS REQUIRED.....	120
Sec. 7-4-38 EXCISE TAXES	120
Sec. 7-4-39 SALES AND CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY.....	120
Sec. 7-4-40 FUTURE RESOLUTIONS, PROPERTY RIGHTS, ADDITIONAL REGULATIONS.	121
Sec. 7-4-41 SUSPENSION OR REVOCATION OF LICENSE.....	121
Sec. 7-4-42 LICENSE REVIEW BOARD: HEARINGS.....	122
Sec. 7-4-43 ENFORCEMENT	123
Sec. 7-4-44 EFFECTIVE DATE.....	124
Title 8 MOTOR VEHICLES AND TRAFFIC	124
Chapter 8-1 GENERAL PROVISIONS.....	124
Sec. 8-1-1 UNIFORM RULES OF THE ROAD ADOPTED.	124
Sec. 8-1-2 TEMPORARY TRAFFIC REGULATIONS.	124
Sec. 8-1-3 VEHICLE COVER REQUIRED.....	125
Sec. 8-1-4 TRAFFIC, SPEED, TRUCK, PARKING AND OTHER ZONES, SIGNS AND TRAFFIC CONTROL DEVICES; SCHEDULE.....	125
Sec. 8-1-5 OBSTRUCTION OF VIEW AND USE BY TREES AND SHRUBS; NOTICE.....	126
Chapter 8-2 VEHICLES AND TRAFFIC REGULATIONS.....	126
Sec. 8-2-1 FREE FLOW OF TRAFFIC; OBSTRUCTION PROHIBITED.....	126
Sec. 8-2-2 SPEED LIMITS ESTABLISHED.....	126
Sec. 8-2-3 TRAFFIC SIGNS, SIGNALS AND MARKINGS.....	127
Sec. 8-2-4 TRACKED VEHICLES PROHIBITED ON STREETS.	127
Sec. 8-2-5 TRAINS.	127
Sec. 8-2-6 PENALTY FOR VIOLATION.	127
Chapter 8-3 Motorized Carts, Electric Bicycles And Other Low Speed Motorized Vehicles..	127
Sec. 8-3-1 FINDINGS; DEFINITIONS.....	127
Sec. 8-3-2 REGISTRATION/TRANSFER REQUIREMENTS.....	129
Sec. 8-3-3 OPERATION REGULATIONS.....	131

Sec. 8-3-4 AUTHORIZED RECREATION PATH USERS.	132
Sec. 8-3-5 PROHIBITED USES.	132
Sec. 8-3-6 LIABILITY AND INSURANCE.	133
Sec. 8-3-7 PENALTIES.	133
Sec. 8-3-8 ENFORCEMENT.	133
Sec. 8-3-9 EFFECTIVE DATE.....	133
Chapter 8-4 PARKING REGULATIONS.....	133
Sec. 8-4-1 VEHICLES TO BE PARKED WITHIN MARKED SPACES.....	134
Sec. 8-4-2 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS.....	134
Sec. 8-4-3 PARKING PROHIBITED IN CERTAIN LOCATIONS, CERTAIN DAYS AND HOURS. ..	134
Sec. 8-4-4 PARKING TIME LIMITED IN CERTAIN LOCATIONS, CERTAIN DAYS AND HOURS.	134
Sec. 8-4-5 SPECIAL PURPOSE PARKING ZONES ESTABLISHED, PARKING OTHERWISE PROHIBITED.	134
Sec. 8-4-6 PENALTY FOR VIOLATION.	134
Title 9 OFFENSES.....	134
Chapter 9-1 GENERAL OFFENSES	135
Sec. 9-1-1 DISORDERLY CONDUCT.....	135
Sec. 9-1-2 PUBLIC DRUNKENNESS	135
Sec. 9-1-3 NOISE; CREATING UNNECESSARY NOISE	135
Sec. 9-1-4 POSTING SIGNS ON POLES WITHOUT CONSENT	137
Sec. 9-1-5 WEAPONS; DISCHARGE IN TOWN	137
Sec. 9-1-6 FIREWORKS	137
Chapter 9-2 NUISANCES	137
Sec. 9-2-1 DEFINITION	137
Sec. 9-2-2 JURISDICTION TO TRY AND ABATE	138
Sec. 9-2-3 COMPLAINT OF NUISANCE, HEARING	138
Sec. 9-2-4 ABATEMENT BY TOWN	138
Sec. 9-2-5 NUISANCE PER SE, EXCEPTION; SUMMARY ABATEMENT	139
Sec. 9-2-6 OFFENSE; PENALTY	139

Chapter 9-3 ANIMALS.....	139
Article A -- GENERAL PROVISIONS.....	140
Sec. 9-3-1 PURPOSE.....	140
Sec. 9-3-2 CONTRACTS.....	140
Sec. 9-3-3 ANIMAL CONTROL BOARD.....	140
Sec. 9-3-4 DEFINITIONS	140
Sec. 9-3-5 BIRD SANCTUARY; WILDLIFE.....	142
Sec. 9-3-6 DOMESTIC ANIMALS, FOWL OR LIVESTOCK RUNNING AT LARGE	142
Sec. 9-3-7 ENCLOSURES FOR ANIMALS AND FOWL; SANITATION	142
Article B -- DOGS AND CATS	143
Sec. 9-3-11 ENCLOSURES FOR DOGS.....	143
Sec. 9-3-12 KEEPING OF DOGS AND CATS; NUISANCES; SANITATION.....	143
Sec. 9-3-13 ANIMALS ON AIRPORTS.....	144
Sec. 9-3-14 RABIES CONTROL; INOCULATION; TAG	145
Sec. 9-3-15 DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS.....	146
Sec. 9-3-16 POSSESSION OF DANGEROUS OR POTENTIALLY DANGEROUS DOG WITHOUT CERTIFICATION; KEEPING OF DOG IN VIOLATION OF CONDITIONS OF CERTIFICATE; FAILURE TO POST CLEARLY VISIBLE WARNING SIGN; CONFISCATION AND IMPOUNDMENT; DESTRUCTION OF ANIMAL	148
ARTICLE C – OTHER VICIOUS ANIMALS	149
Sec. 9-3-17 VICIOUS ANIMALS OR FOWL	149
Sec. 9-3-18 SUMMONS.....	150
Sec. 9-3-19 PENALTIES.....	150
Chapter 9-4 ABANDONED AND JUNKED MOTOR VEHICLES	150
Sec. 9-4-1 DEFINITIONS.....	151
Sec. 9-4-2 DECLARATION OF PUBLIC NUISANCE - PROHIBITION.....	151
Sec. 9-4-3 ENFORCEMENT OFFICERS.....	152
Sec. 9-4-4 NOTICE TO REMOVE.	152
Sec. 9-4-5 VIOLATION - PENALTY.....	153
Sec. 9-4-6 REPEAL OF CONFLICTING ORDINANCES.	153

Chapter 9-5 ABANDONED, UNSAFE OR BLIGHTED BUILDINGS AND GROUNDS.....	153
Sec. 9-5-1. DEFINITIONS.....	154
Sec. 9-5-2. NUISANCES.....	155
Sec. 9-5-3. GRASS CUTTING AND STANDING WATER.....	156
Sec. 9-5-4. POWER OF ENFORCEMENT, PENALTIES.	157
Sec. 9-5-5. PROCEDURES FOR ENFORCEMENT.....	157
Sec. 9-5-6. SERVICE OF SUMMONS AND ORDERS.....	160
Sec. 9-5-7 REPEAL OF CONFLICTING ORDINANCES.	162
Chapter 9-6 DISORDERLY HOUSES	162
Sec. 9-6-1. DISORDERLY HOUSES DEFINED.....	162
Sec. 9-6-2. POWER OF ENFORCEMENT, PENALTIES.	162
Sec. 9-6-3. SERVICE OF SUMMONS AND ORDERS.....	163
Sec. 9-6-4 REPEAL OF CONFLICTING ORDINANCES.	164
Chapter 9-7 ABANDONMENT OF JUNKED, DISMANTLED OR INOPERATIVE FURNITURE, APPLIANCES, MACHINERY OR EQUIPMENT	165
Sec. 9-7-1 DEFINITIONS.....	165
Sec. 9-7-2 PROHIBITION.....	165
Sec. 9-7-3 ENFORCEMENT.	165
Sec. 9-7-4 VIOLATION, PENALTIES.....	165
Sec. 9-7-5 REPEAL OF CONFLICTING ORDINANCES.	166

ADOPTING ORDINANCE

AN ORDINANCE OF THE CITY OF WILLIAMSON, GEORGIA, ADOPTING AND ENACTING A NEW CODE FOR WILLIAMSON, GEORGIA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING CERTAIN PENALTIES; AND FOR OTHER PURPOSES.

The Mayor and Council of the City of Williamson, Georgia, hereby ordain:

Sec. 0-1 TITLE. The document entitled "The Municipal Code of The City of Williamson, Georgia, " a copy of which accompanies this ordinance and is incorporated herein and made a part hereof, is hereby adopted and shall be treated and considered as a new and original comprehensive ordinance.

Sec. 0-2 REPEAL. All ordinances and resolutions of a general and permanent nature of this City enacted on final passage on or before 5 April 2018, and not in the code or recognized and continued in force by reference therein are hereby repealed on and after the effective date of this ordinance, except as hereinafter provided.

Sec. 0-3 PRIOR OFFENSES, CONTRACTS AND INDEBTEDNESS. The repeal provided for in Section 0-2 hereof shall not 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 ordinance; nor shall this repeal affect any ordinance or resolution of the City promising or guaranteeing the payment of money by or to the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness, or any contract or obligation assumed by the City; nor shall this repeal affect any rights or franchise granted by any ordinance or resolution of the City to any person, firm or corporation; nor shall this repeal establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the City; nor shall this repeal affect any ordinance or resolution levying or imposing charges, fees or taxes now due or accrued; nor shall this repeal affect any zoning ordinance of the City or amendments thereto; nor shall this repeal be construed to revive any ordinance or resolution or part thereof that has been repealed by a subsequent ordinance or resolution which is repealed by this ordinance.

Sec. 0-4 CONTINUATION. The provisions appearing in this code, so far as they are the same as provisions of ordinances and resolutions existing at the time of the effective date of this code, are intended and shall be considered as continuations thereof and not as new enactments.

Sec. 0-5 INCLUSION. Any and all additions or amendments to the Code, when passed in such form as to indicate the intention of the Mayor and Council to make the same a part thereof, shall be deemed to be incorporated into the code so that reference to "The Municipal Code of the City of Williamson, Georgia," shall be understood and intended to include such additions

and amendments.

Sec. 0-6 AVAILABILITY. A copy of the code shall be kept on file in the office of the City clerk, and preserved in Digital Compact Disc (CD) form, or in such other form as the City clerk may consider most expedient. It shall be the express duty of the City clerk or someone authorized by the City clerk, to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of the City governing authority to make those provisions a part of the Code, when those provisions have been transmitted to compact disc (CD) form, and to extract from the Code all provisions which may be from time to time repealed. A copy of the Code shall be available for all persons desiring to examine it and shall be considered the Official Code of the City.

Sec. 0-7 RETENTION. As pages of the Code are replaced because the matter contained on them shall have been repealed, amended or otherwise shall have been superseded or rendered obsolete or inoperative, the City clerk shall retain copies of the pages of the Code so superseded, rendered obsolete or otherwise rendered inoperative in a file so that the former provisions of the code may be readily available and easily found. The purpose of this section is to permit anyone desiring to do so to ascertain the precise status of any section of the code as of any given date.

Sec. 0-8 PENALTY. In case of the amendment of any section of the Code for which a penalty is not provided, the general penalty as provided in the City charter or the Code shall apply to the section as amended; or in case the amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in the other section shall be held to relate to the section so amended, unless the penalty is specifically repealed therein.

Sec. 0-9 ALTERATION. It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of the Code, or to insert or delete pages or portions thereof, or to alter or tamper with the Code in any manner whatsoever which may cause the law of the City to be misrepresented thereby.

Sec. 0-10 CONFLICTING ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict herewith are, to the extent of any conflict, hereby repealed.

Sec. 0-11 EFFECTIVE DATE. This ordinance shall be in force and take effect on 6 December, 2018.

Adopted this 8th day of August, 2019.

(Mayor)

(City Clerk)

Title 1 GENERAL PROVISIONS

Chapters:

- 1-1 Use of Code and Penalties

Chapter 1-1 USE OF CODE AND PENALTIES

Sections:

- 1-1-1 How code designated and cited
- 1-1-2 Rules of construction
- 1-1-3 Catchlines of sections
- 1-1-4 Severability of parts of code
- 1-1-5 Penalties for violations of code
- 1-1-6 Amendments to code; effect of new ordinances; amendatory language
- 1-1-7 Altering code
- 1-1-8 Prior offenses, penalties, contracts or rights not affected by adoption of code
- 1-1-9 Provisions considered as continuation of existing ordinances
- 1-1-10 Certain ordinances not affected by code

Sec. 1-1-1 HOW CODE DESIGNATED AND CITED . The ordinances embraced in the following chapters and sections shall constitute and be designated "Code of the City of Williamson, Georgia," and may be so cited.

Sec. 1-1-2 RULES OF CONSTRUCTION . In the construction of this code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Mayor and council:

City. The words "the City" or "this City" shall be construed as if the words "of Williamson" followed.

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; and if the last day shall fall on Saturday or Sunday, the party having that privilege or duty, shall have through the following Monday to exercise that privilege or to discharge such duty.

Council. The word "council" shall mean the Council of the City of Williamson.

County. The words "the county" or "this county" shall mean the County of Pike.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Interpretation. In the interpretation and application of any provision of this code, it 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 general provision imposed by this code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving that authority to a majority of those persons or officers.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

Limits or corporation. The words "limits" or "corporation," shall mean the corporate limits (legal boundary) of the City.

Mayor. Whenever the word "Mayor" is used it shall mean the Mayor of the City of Williamson.

Month. The word "month" shall mean a calendar month.

Municipality. Wherever the word "municipality" appears in this code, it shall mean the City of Williamson, Georgia.

Name of officer. Whenever the name of an officer is given, it shall be construed as though the words "of the City of Williamson" were added.

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

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

Oath. The word "oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken. An affirmation has the same force and effect as an oath.

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

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

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property. "Personal property" includes every species of property except real property, as herein defined.

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

Property. "Property" includes real, personal and mixed estates and interests.

Public place shall mean any place including, but not limited to, buildings or conveyances to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies and corridors of hotels, and any highway, street, lane, park or place of public resort or amusement.

Real property. "Real property" shall include lands, tenements and hereditaments.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. "Signature" or "subscription" includes a mark when the person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Georgia.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, public alleys, lanes, viaducts and all other public highways in the City.

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

Time. Words used in the past or present tense include the future as well as the past and present.

Week. The word "week" shall be construed to mean seven (7) days.

Written, in writing. "Written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

State Law Reference: Construction of statutes generally, O.C.G.A., Secs. 1-3-1, 1-3-2.

Sec. 1-1-3 CATCHLINES OF SECTIONS. The catchlines of the several sections of this code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of those sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-1-4 SEVERABILITY OF PARTS OF CODE. It is hereby declared to be the intention of the Mayor and council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the Mayor and council without the incorporation in this code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-1-5 PENALTIES FOR VIOLATION OF CODE.

- (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:

Violation of this Code means:

- (1) Doing an act that is prohibited or made or declared to be an unlawful act, an offense, or a violation of this Code by ordinance or by rule or regulation authorized by ordinance;
 - (2) Failure to perform an act that is required to be performed by ordinance, rule, or regulation authorized by ordinance; or
 - (3) Failure to perform an act if the failure is declared a violation of this Code, an offense, or an unlawful omission by ordinance, rule, or regulation authorized by ordinance.
- (b) The phrase "violation of this Code" does not include the failure of a City officer or City employee 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 of this Code that it is the intent of the City to impose the penalty provided for in this section upon the City officer or employee.
- (c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding sixty days, probation of not more than 6 months, community service not to exceed 160 hours of supervised community service to be completed within six consecutive calendar months, or any combination thereof.
- (d) Except as otherwise provided:
- (1) With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) As to other violations, each act is a separate offense.
- (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.
- (f) The imposition of a penalty does not prohibit equitable relief.
- (g) The imposition of a penalty does not prohibit revocation or suspension of a license, permit, or franchise or the imposition of other administrative sanctions.
- (h) All fines shall be paid into the City treasury.
- (i) If it is deemed by a court of competent jurisdiction that a punishment imposed under this Code conflicts with the laws of the state, the punishment shall be the maximum permitted by law.

Charter references: Authority to impose jail sentences and community service, § 1.13(m); authority to impose penalties for violation of ordinances, § 1.13(v); creation of municipal court, § 4.10.

State law references: Maximum penalties, O.C.G.A. § 36-35-6(a)(2); authority to punish

ordinance violations by requiring labor, O.C.G.A. § 36-30-8; maximum penalties which may be imposed by municipal courts, O.C.G.A. §§ 36-32-1(c) and 36-32-5; additional penalties in certain traffic cases, O.C.G.A. § 15-21-73.

Sec. 1-1-6 AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE .

- (a) All ordinances passed subsequent to this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Chapters, sections and subsections or any part thereof, repealed by subsequent ordinances, may be excluded from the code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of these subsequent ordinances until such time that the code and subsequent ordinances numbered or omitted are readopted as a new code by the Mayor and council.
- (b) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-1-7 ALTERING CODE. It shall be unlawful for any person in the City to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with this code in any manner except by ordinance or other official act of the Mayor and council which will cause the law of the City to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-1-5.

Sec. 1-1-8 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 except as applicable to Code §1-1-9 below and Code § 1-1-5(d)(1).
- (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. 1-1-9 PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.

The provisions appearing in this Code, so far as they are substantially the same as ordinances existing at the time of the effective date of this Code, shall be considered continuations thereof and not as new enactments.

Sec. 1-1-10 CERTAIN ORDINANCES NOT AFFECTED BY CODE. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (a) Any rates, fees or charges not inconsistent with this Code;

- (b) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds for the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (c) Any ordinance or resolution consistent with this Code prescribing traffic regulations for specific locations, such as prescribing through streets, parking limitations, parking prohibitions, one way traffic or limitations on loads of vehicles or loading zones;
- (d) Any ordinance or resolution consistent with this Code fixing salaries of, or providing policies and programs for, or providing retirement, disability or death benefits for officials, officers or employees of the city or providing personnel policies;
- (e) Any budget ordinance or appropriation ordinance and any ordinance levying any tax;
- (f) Any right or franchise granted by any ordinance or resolution;
- (g) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way in the city;
- (h) Any ordinance establishing and prescribing the street grades of any street in the city;
- (i) Any ordinance providing for local improvements or assessing taxes therefore;
- (j) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (k) Any ordinance establishing or changing the boundary of the city;
- (l) Any zoning ordinance or any ordinance regulating subdivisions or any ordinance regulating signs or any ordinance regulating building design standards;
- (m) Any ordinance or resolution adopted for purposes that have been consummated;
- (n) Any ordinance that is temporary, although general in effect, or special, although permanent in effect; and,
- (o) Any resolution of the City not in conflict with this Code; and,
- (p) All such ordinances or resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Title 2 GENERAL GOVERNMENT

Chapters:

- 2-1 Mayor and Council
- 2-2 Elections
- 2-3 Municipal Court
- 2-4 Administration
- 2-5 Finances and Taxation

Chapter 2-1 MAYOR AND COUNCIL

Sections:

Article A GENERAL PROVISIONS

- 2-1-1 Compensation.
- 2-1-2 through 2-1-10 Reserved.

Article B MEETINGS

- 2-1-11 Regular meetings
- 2-1-12 Adjourned meetings
- 2-1-13 Order of business
- 2-1-14 Rules of procedure
- 2-1-15 Previous questions
- 2-1-16 Motions having precedence
- 2-1-17 Motion to adjourn

Article A GENERAL PROVISIONS

Sec. 2-1-1 COMPENSATION.

- (a) The Mayor and council members shall receive such compensation as is established from time to time by the council in accordance with the requirements of the City charter.
- (b) A council member seeking payment for his or her own expenses incurred on behalf of the City shall submit a bill for those services to a subsequent council meeting for approval. The bill must be approved by the council before the clerk is authorized to make payment. (Ord. dated 2/10/50)

Sec. 2-1-2 through 2-1-10 Reserved

Article B MEETINGS

Sec. 2-1-11 REGULAR MEETINGS . Regular meetings of the Mayor and council are held at the City hall or at such other place as may be designated on the first Thursday of each month at 7:00 p.m.

Sec. 2-1-12 ADJOURNED MEETINGS . If a quorum shall fail to attend any regular or special meeting of the Mayor and councilor if for any reason any meeting shall fail to complete transaction of the business before the meeting, the meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present.

Sec. 2-1-13 ORDER OF BUSINESS .

- (a) The order of business at all regular meetings shall be as follows:
 - 1. CALL TO ORDER
 - 2. APPROVAL OF THE AGENDA
 - 3. APPROVAL OF THE MINUTES
 - 4. FINANCIAL REPORT

5. REPORTS FROM DEPARTMENTS, COMMITTEES AND BOARDS
6. UNFINISHED BUSINESS
7. NEW BUSINESS
8. EXECUTIVE SESSION if needed
9. PUBLIC COMMENT if requested
10. ADJOURNMENT

(b) If the Mayor and council direct any matter to be the special business of a future meeting, that matter shall have precedence over all other business at that future meeting.

(c) No proposition shall be entertained by the Mayor and council until it has been seconded, and every proposition shall, when required by the Mayor or any member, be reduced to writing.

Sec. 2-1-14 RULES OF PROCEDURE . Except as otherwise provided by ordinance, the procedures of the Mayor and council shall be governed by Robert's Rules of Order.

Sec. 2-1-15 PREVIOUS QUESTIONS . The previous questions may be called at any time by a majority of the members present. The ayes and nays may be called for by any member.

Sec. 2-1-16 MOTIONS HAVING PRECEDENCE .

(a) When a question is under consideration no motion shall be received except as follows:

1. to lay on the table;
2. to postpone to a time certain;
3. to postpone indefinitely;
4. to refer to a committee;
5. to amend;
6. to strike out or insert; or
7. to divide.

(b) Motions for any of these purposes shall have precedence in the order named.

Sec. 2-1-17 MOTION TO ADJOURN . A motion to adjourn shall always be in order and shall be decided without debate.

Chapter 2-2 ELECTIONS

State Law Reference: Georgia Municipal Elections, O.C.G.A., Title 21, Ch. 3.

Sections:

- 2-2-1 Election officials
- 2-2-2 Voter registration deadline
- 2-2-3 Notice of candidacy; filing dates
- 2-2-4 Qualification fees
- 2-2-5 Polling places

Sec. 2-2-1 ELECTION OFFICIALS . The Mayor and council shall by resolution annually appoint a municipal election superintendent, election managers, registrars, absentee ballot clerk and any other officials as are necessary, all of whom shall exercise those powers and duties set forth in the Georgia Municipal Election Code (O.C.G.A., Title 21, Ch. 3), as now or hereafter amended.

State Law Reference: Municipal powers, etc., O.C.G.A., Secs. 21-3-8, 21-3-31, 21-3-32, 21-3-120, 21-3-227(b), 21-3-251 and 21-3-283.

Sec. 2-2-2 VOTER REGISTRATION DEADLINE . Persons desiring to vote in City elections shall register with the Pike County Registrar by 5:00 p.m. on the day 30 days prior to the date of the election.

State Law Reference: Registration, O.C.G.A., Sec. 21-3-126.

Sec. 2-2-3 NOTICE OF CANDIDACY; FILING DATES . Notices of candidacy shall be filed by candidates for offices of the governing authority not sooner than 52 days prior to the election in the case of a general election and not sooner than 30 days prior to the election in the case of a special election. The deadline for filing the foregoing notices of candidacy shall be 22 days prior to the election in the case of a general election; and 15 days prior to the election in the case of a special election. Notices of candidacy shall be filed in the office of the municipal election superintendent during normal business hours.

State Law Reference: Filing notice of candidacy, O.C.G.A., Sec. 21-3-91.

Sec. 2-2-4 QUALIFICATION FEES . The qualification fee for candidates filing a notice of candidacy in any general or special election for Mayor or council member shall be three percent (3%) of the annual compensation of the office sought.

State Law Reference: Qualification fees, O.C.G.A. Sec. 21-3-90.

Sec. 2-2-5 POLLING PLACES . Voting districts or precincts and polling places shall be as fixed from *time to time* by resolution of the Mayor and council.

State Law Reference: Polling places, O.C.G.A. Sec. 21-3-163.

Chapter 2-3 MUNICIPAL COURT

Reserved (In work)

Chapter 2-4 ADMINISTRATION

Sections:

- 2-4-1 City clerk-treasurer; duties
- 2-4-2 City attorney; duties
- 2-4-3 Departments established

Sec. 2-4-1 CITY CLERK-TREASURER; DUTIES .

- (a) In addition to the duties of the City clerk-treasurer under the City charter, the City clerk-treasurer shall perform the following duties:
1. Be the custodian of the City seal and affix its impression on documents whenever required;
 2. preserve the codes, records and documents belonging to the City and maintain a proper index to all records and documents;
 3. receive all money due the City, including taxes, licenses and fees, and payout the same only upon orders of the Mayor and council; and
 4. perform any other duties as may be required by the Mayor and council.
- (b) Before entering upon the discharge of his or her duties, the clerk/treasurer shall furnish an official bond of \$1000 conditioned on the honest and faithful performance of his or her official duties. The premiums on the bond shall be paid by the City. (Ord. dated 2/10/50)

Sec. 2-4-2 CITY ATTORNEY; DUTIES. The City attorney shall be the legal advisor and representative of the City and in that capacity shall:

1. prepare ordinances when so requested by the Mayor and council;
2. prepare for execution all contracts and instruments to which the City is a party when so requested and approve, as to form, all ordinances, bonds and City contracts; and
3. render any other legal services as may be required by the Mayor and council.

Sec. 2-4-3 DEPARTMENTS ESTABLISHED. The following departments of the City are hereby established:

1. Water;
2. Fire.

Chapter 2-5 FINANCE AND TAXATION

Sections:

Article A GENERAL PROVISIONS AND FINANCIAL POLICY

- 2-5-1 Fiscal year and Budgeting
- 2-5-2 Purchasing
- 2-5-3 Investments
- 2-5-4 Debt Management
- 2-5-5 Capital Assets
- 2-5-6 Grants
- 2-5-7 Internal Controls
- 2-5-8 Accounting, Audits and Financial Reporting
- 2-5-9 through 2-5-14 Reserved

Article B PROPERTY TAXES

- 2-5-15 through 2-5-20 Reserved.

Article C OCCUPATION, PROFESSION AND BUSINESS TAXES

- 2-5-21 Definitions
- 2-5-22 Levy of tax
- 2-5-23 Separate businesses
- 2-5-24 Registration required
- 2-5-25 Payment of tax
- 2-5-26 Issuance of tax certificate
- 2-5-27 Certificate to be displayed
- 2-5-28 Change of address
- 2-5-29 Change of ownership; transfers
- 2-5-30 Special provisions for insurance companies
- 2-5-31 Financial institutions business license tax
- 2-5-32 Enforcement
- 2-5-33 Penalties
- 2-5-34 Criminal penalties; license revoked

Article A GENERAL PROVISIONS AND FINANCIAL POLICY

The financial policies of the City of Williamson shall be maintained and updated as necessary by separate action of the Mayor and City Council. The financial policy shall be reviewed or updated and approved each fiscal year.

Editorial Note: In addition to property tax, the City receives partial proceeds from a Pike County one percent (1%) local option sales tax and from County SPLOST for specific projects when such SPLOST is enacted and joined by the City.

Sec. 2-5-1 FISCAL YEAR AND BUDGETING.

- (a) Fiscal Year, Budgeting, Appropriations. The fiscal year for The City of Williamson shall begin on 1 January and end on 31 December. An annual budget and an appropriations ordinance shall be adopted by the Mayor and council prior to the first day of the fiscal year. However, if for good and sufficient reasons the budget cannot be adopted by the first day of the fiscal year, the budget shall be adopted not later than 45 days subsequent to the beginning of the fiscal year. If the budget and the appropriations ordinance are not adopted prior to the beginning of the fiscal year, this section automatically authorizes the continuation of necessary and essential expenditures to operate the City. The budget as adopted shall be a balanced budget with anticipated revenues (including appropriated unencumbered surplus) equal to appropriated expenditures. All funds within the budget shall also be balanced.

State Law Reference: Local government financial management standards and procedures, O.C.G.A., Sec. 36-81-1 et seq.

- (b) General Budget Policies

1. The City of Williamson shall strive to finance all current expenditures with current revenues thereby maintaining a balanced budget. The City of Williamson shall endeavor to not use short term borrowing to finance current operational

requirements but is not prohibited by this policy from using short-term borrowing to meet operating budget requirements.

2. All governmental funds, except Capital Project funds, are subject to the annual budget process. Capital Projects will be subject to project length budgets.
3. All budgets will be adopted on a basis of accounting consistent with Generally Accepted Accounting Principles (GAAP). Revenues will be recognized when they become measurable and available and expenditures are charged against the budget when they become measurable, a liability has been incurred, and the liability will be liquidated with current resources. Revenues will be recognized as available at the end of the year using the sixty-day rule. Expenditures will be recognized at the end of the fiscal year if incurred during the fiscal year and paid with current resources. All expenditures for the purchase of inventory will be recognized using the purchase method. If The City of Williamson establishes a proprietary fund, that fund shall use the consumption and FIFO method of expenditure recognition for inventories.
4. The budget shall be adopted by the approval of a budget resolution that specifies the anticipated revenues by appropriate categories, the proposed expenditure totals for each department, each non-departmental expense, and for each fund covered by the budget. Amendments to the budget must be approved by resolution. The budget shall be adopted at the fund/department level, which is the legal level of budgetary control. The current year's budget may be adjusted to reflect changes in local economy, changes in priorities or services needs, receipt of unbudgeted revenues and for unanticipated expenditures.
5. The budget must be balanced for all budgeted funds. Total anticipated revenues and other resources available including unreserved fund balance must equal total estimated expenditures for each fund.
6. All operating budget appropriations will lapse at year-end. Encumbrances can be re-appropriated in the next fiscal year by a budget amendment. Capital Budget appropriations under the Capital Improvement Program shall be appropriated with project-length balanced budget for major projects.
7. The operating budget will provide for adequate maintenance and operation of capital equipment and facilities and allocate funds to the Capital Budget for their orderly replacement.
8. The City of Williamson shall strive to establish a fund balance reserve for the general fund to pay expenditures caused by unforeseen emergencies, for revenue shortfalls and to eliminate short-term borrowing for cash flow purposes or because of the schedule of tax collections. The reserve shall be maintained at an amount that represents no more than \$50,000.00 or three months of operating expenditures whichever is greater.
9. The City shall strive to include a contingency amount in the general fund budget for unforeseen or emergency operating expenditures. The amount of the contingency

shall be no more than ten percent of the operating budget. The City of Williamson will endeavor to fund contingencies from the unreserved fund balance but may use general fund appropriations until sufficient fund balance has been accrued.

10. The budget shall be adopted at the legal level of budgetary control that is the fund/department level. Transfers of appropriations within a department shall require only the approval of the Budgeting Officer. Transfers between departments or funds, an increase of a personal services appropriation, or an increase in the level of authorized positions shall require the approval of the City of Williamson Mayor and City Council. Department heads and elected officials are directed to operate within budget limitations to prevent "emergency" situations.
11. Budget Amendments- The City of Williamson Mayor and City Council may authorize new projects or expenditures during the budget year by adopting a Budget Resolution that includes the project cost and revenue source. Each Budget Resolution must be balanced. The City Council may adopt on a quarterly basis a budget amendment that incorporates all of the budget resolutions for the previous quarter.
12. The Mayor is designated as the Budget Officer for The City of Williamson. He shall prepare a budget calendar, a balanced budget proposal and a budget resolution to be presented to the City Council. He shall prepare a revenue plan itemizing all anticipated City revenues. The Budget Officer shall be responsible for the preparation, administration and fiscal control of the budget.
13. The Budget Officer shall utilize a decentralized budget process that gives City Council Members and any Department Heads the opportunity to provide input into the budget process.
14. The Budget Officer is charged with insuring that The City of Williamson shall comply with all state laws applicable to budget hearings, public notices, public inspection, and budget adoption.
15. The City shall pay bills weekly on Thursdays. Department heads and elected officials are directed to submit payment requests within this timeframe. The City Clerk shall, however, have the authority to issue special checks up to a maximum of \$200.00.
16. The City of Williamson will strive to integrate performance measurement and objectives and productivity indicators within the budget.
17. The City of Williamson will maintain a budgetary control system to ensure adherence to the budget and will prepare timely financial reports comparing actual revenues expenditures and encumbrances with budgeted amounts.

(c) Capital Budget Policies

1. Intent. Capital projects will be undertaken to preserve infrastructure and public facilities; promote economic development and enhance the quality of life; improve the delivery of services; preserve community assets; and improve economically depressed areas.

2. Capital Improvement Program. The City of Williamson will seek to develop and maintain a five year Capital Improvement Program (CIP) annually to direct the financing of and appropriations for all capital projects. The City of Williamson defines a capital project for inclusion in the CIP as any asset or project in excess of \$20,000.00 with an estimated useful life of five or more years.

The City of Williamson will coordinate the development of the Capital Improvement Program with the development of the operating budget to insure that future operating costs are projected and included in the operating budget where appropriate.

3. Vehicle Replacement. The City of Williamson will develop a program to replace authorized vehicles and equipment without significant impact to the capital budget. This is to include a budgeted capital replacement allocation from the departmental section of the General Fund to replace assigned vehicles. This section shall authorize the establishment of a local resource Capital Project fund for the acquisition of vehicles.
4. Authorization To Seek Grant Funds. The City of Williamson will seek public and private grants, contracts, and other outside sources of revenue to fund projects included in the Capital Improvement Program.
5. Budget Length. Budgets for Capital projects shall not lapse at the end of a fiscal year. They shall be adopted in a project length budget and remain in effect until project completion.
6. Capital Asset Threshold. The threshold for recording capital assets in the General Fixed Asset Account Group (GFAAG) shall be a cost of \$20,000.00 and an estimated useful life of five or more years.

Sec. 2-5-2 PURCHASING. The Mayor and Council shall be the purchasing agent of the City, and shall:

- (a) Arrange and negotiate the purchase or contract for all equipment, supplies and contractual services for the City, and sell or otherwise dispose of all surplus City equipment and supplies; and
- (b) Maintain an inventory of all materials, supplies or equipment owned by the City.

Sec. 2-5-3 INVESTMENTS

- (a) Purpose. To insure the safety and liquidity of the investment, to insure the highest possible return on investments and to maximize the utilization of excess City funds
- (b) Scope. This investment policy applies to all funds under the control of The City of Williamson and accounted for in or annual financial report and includes:
 1. General Fund
 2. Special Revenue Fund
 3. Capital Project Fund

4. Other funds as may be created

- (c) Investment Criteria. The Mayor and City Council of The City of Williamson shall establish the overall investment policies for The City of Williamson. The Mayor is designated as the investment director for the City and authorized to make all appropriate investment decisions within the scope of those policies. The Mayor shall maintain a standard of prudence in accord with the “prudent person rule” that all investment decisions will be made with the judgment and care a person of intelligence and prudence would exercise in the administration of their own affairs.

The City of Williamson’s investment criteria in order of priority are:

1. Safety – Preservation of principal shall always be the foremost objective in any investment transaction involving City funds. Those individuals investing funds on the City’s behalf must first ensure that capital losses are avoided by limiting credit and interest risk. Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest risk is the risk that market value portfolios will fall due to an increase in general interest rates.
2. Liquidity – The second objective shall be the maintenance of sufficient liquidity within the investment portfolio. The City’s investment portfolio shall be structured such that securities mature at the time when cash is needed to meet anticipated demands (static liquidity). Additionally, since all possible cash demands cannot be anticipated, the portfolio should maintain some securities with active secondary or resale markets (dynamic liquidity).
3. Return on Investment – The third objective shall be the realization of competitive investment rates, relative to the risk being assumed. However, yield on the City’s investment portfolio is of secondary importance compared to the safety and liquidity objectives described above.

- (d) Allocation of Interest. All interest earned from investments unless otherwise indicated by action of the Mayor and City Council shall be retained within the fund generating the interest.

- (e) Cash and Investments. The City of Williamson shall require pledges of collateral for all cash deposits and investments from depository institutions as required by the O.C.G.A. §36-83-5.

Sec. 2-5-4 DEBT MANAGEMENT

- (a) Purpose of Debt Issuance. The City of Williamson will utilize long-term debt only for capital improvement projects that are too extensive to be financed from current revenue sources. The City of Williamson will not use long-term debt to finance current or on-going operations of the City.
- (b) Debt Limitations. The City of Williamson is authorized by the Constitution and laws of the State of Georgia to issue general obligation bonds not in excess of 10% of the assessed values of all taxable property within the City and for a period of time not to exceed thirty

years. However, The City of Williamson will remain cognizant of the millage assessed for repayment of general government debt and will strive to maintain a stable millage in the debt service area for the benefit of its taxpayers. Where feasible, special assessment, revenue, and other self-supporting bonds, will be utilized instead of general obligation bonds.

When issuing General Obligation bonds the City must assess and collect annual taxes sufficient to pay the principle and interest of the debt within thirty years.

(c) Types of Debt

1. The City of Williamson is permitted to issue any form of debt that does not contradict the existing Constitution and laws of the State of Georgia. These include, but are not limited to:
 - a. General Obligation Bonds
 - b. Revenue Bonds for The City of Williamson Proprietary Funds
 - c. Intergovernmental Contracts
 - d. Lease Purchases
 - e. Certificates of Participation
 - f. Temporary Loans
2. Tax anticipation notes or any other revenue anticipation borrowing will be avoided if possible. In the event such borrowing occurs on an emergency basis, the debt will be retired in full by the end of the calendar year in which it is incurred.

(d) Debt Features

1. Maturity of Debt. When The City of Williamson utilizes long-term financing, the City shall pay back the debt within a period of time that does not exceed the life of the project financed. The City will seek level or declining debt repayment schedules and will avoid the use of balloon principal payments at the end of the term of the borrowing.
2. Redemption Provisions. Where cost effective, the City will incorporate early call or prepayment features into the structured debt.
3. Rates. Due to the higher volatility of variable rate debt, The City of Williamson will examine each variable rate borrowing closely on a case-by-case basis before issuance.

Sec. 2-5-5 CAPITAL ASSETS

(a) Capital Asset Criteria. A Capital Asset is defined as a financial resource meeting all of the following criteria:

1. It is tangible in nature.
2. It has a useful life of greater than five years.
3. It is not a repair part or supply item.
4. It has a value equal to, or greater than, the capitalization threshold of \$20,000.

(b) Valuation of Capital Assets. All assets shall be valued at original or historic cost. If the historic cost is not available The City of Williamson may use either Standard Costing of a like unit at the estimated date of acquisition or Back Trending to arrive at an estimated cost

based on the use of current cost factored by the price index since acquisition. Contributed capital assets shall be valued at fair market value. The City of Williamson will value or retroactively report any existing infrastructure if required under GASBS 34. All new infrastructure as defined by GASBS 34 will be reported subsequent to January 1, 2004.

- (c) Recording of Capital Assets. The Mayor is ultimately responsible for the proper recording, acquisition, transfer, and disposal of all assets within the City. City property may not be acquired, transferred, or disposed of without first providing proper documentation. Unless otherwise approved by the Mayor, all Capital Assets must be recorded within 30 calendar days after receipt and acceptance of the asset. All Capital Assets that meet the capitalization threshold of \$20,000.00 shall be recorded and maintained in the General Fixed Asset Account Group.
- (d) Depreciation Method. The City of Williamson shall use the straight-line method of depreciating capitalized assets. The City of Williamson will depreciate infrastructure and not implement the modified approach for infrastructure. Useful life will be determined following best current practices. Fully depreciated assets that remain in use shall remain in the General Fixed Asset Account Group (GFAAG).
- (e) Acquisition of Capital Assets. There are various methods by which assets can be acquired. The asset acquisition method determines the basis for valuing the asset. Capital Assets may be acquired in the following ways:
1. New Purchases
 2. Donations
 3. Transfers from other City departments
 4. City surplus
 5. Internal/external construction
 6. Lease purchases
 7. Trade-in
 8. Forfeiture or condemnation

Purchased Assets will be capitalized at acquisition cost, including expenses incurred in preparing the asset for use.

Donated assets shall be recorded at fair market value as determined by the Mayor. Fair market value may be defined as, but is not limited to, an average of documented prices for equivalent items from three separate vendors.

The City will recognize acquisition costs based on individual unit prices. Assets should not be grouped.

For equipment purchases, title is considered to pass at the date the equipment is received. Similarly, for donated assets, title is considered to pass when the asset is available for the City's use and when the City assumes responsibility for maintaining the asset.

Constructed assets are transferred from the construction in progress account to the related building, improvements other than buildings, or equipment accounts when they become

operational. Constructed buildings, for example, are assumed to be operational when an authorization to occupy the building is issued, regardless of whether or not final payments have been made on all the construction contracts.

Lease Purchases- Assets may be lease-purchased through installment purchases or through lease financing arrangements. All lease purchases are subject to annual appropriation and must be renewed annually. Title cannot transfer to the City until obligation is settled.

- (f) Transfer of Capital Assets. An asset transfer between departments is recorded under the new Department with original acquired date and funding amount.
- (g) Sale of Capital Assets-Sale of Capital Assets by the City must be to the highest, responsible bidder and must be conducted by sealed bid or by auction. The sale must be publicized in accordance with state laws.
- (h) Disposal of Capital Assets-When an asset is disposed of, its value is removed from the financial balances reported and from inventory reports; however, the asset record, including disposal information, remains on the master file for three years, in the City Manager's Office, after which time it is purged from the system according to general accepted accounting principles. This preserves an audit trail for disposed items, and facilitates departmental comparisons between actual or historical useful life information with useful life guidelines.

A disposal action is appropriate only when certain conditions occur resulting in an asset no longer being in the possession of the agency. Assets no longer in use, which remain in the possession of the department, are considered surplus property and not a disposal.

Capital Assets may be disposed of in any one of six ways:

1. Sale or trade-in
2. Abandonment/Retirement
3. Lost or stolen
4. Transfer
5. Cannibalization (taking parts and employing them for like uses within the department, such as is often the practice in computer or vehicle maintenance).
6. Casualty loss

Assets are "abandoned" or "retired" when there is no longer any use for them in the Department, they are of no safe or appropriate use to any other City department and they cannot be repaired, transferred, cannibalized, sold, or traded-in.

Stolen items must be reported to the Pike County Sheriff's Office and a report filed. A copy of this report must accompany the disposal record.

Casualty losses must be documented within 24 hours of loss and reported to the Mayor immediately for follow-up with the City's insurance carrier.

Cannibalized items are considered surplus and are disposed of by noting cannibalization on the disposal record. Departments will send documentation of items cannibalized to the City Clerk, and all remaining costs and accumulated depreciation will be removed from appropriate asset accounts in the general Capital Asset fund.

All assets no longer in the possession of the department, due to one of these six qualifying conditions and after submission of all appropriate documentation to the City Clerk, will be removed from the master departmental asset file and considered disposed.

Department management is responsible for reviewing disposal reports, evaluating causes and trends leading to disposals, and implementing procedures to more effectively manage and control disposals when the dispositions represent problems, inefficiencies, and/or the incurrence of unnecessary cost.

- (i) Physical Inventory. An annual physical inventory of all Capital Assets will be performed by the City Clerk. Unless otherwise approved by the Mayor, all Capital Assets must be recorded within 30 calendar days after receipt and acceptance of the asset. An inventory control tag must be applied to all Capital Assets. An inventory tag shall be applied to all inventory items with an initial cost of over \$500.00.

The inventory will be conducted with the least amount of interruption possible to the City's daily operation. A full report of the results of the inventory will be sent, within 30 days of completion, to the Mayor and City Council for verification and acceptance.

Sec. 2-5-6 GRANTS

- (a) Purpose. The purpose of this policy is to provide direction in the application, acceptance and administration of funds awarded through grants to the City from other local governments, the state or federal government, non-profit agencies, philanthropic organizations and the private sector.
- (b) Application and Acceptance of Grants. The Mayor is given authority to make application for and accept grants that:
 - 1. Are expected to be \$100,000 or less on an annual basis with no required City match; or,
 - 2. Are expected to be \$25,000 or less on an annual basis with a required match of 20% or less; or,
 - 3. Are expected to be \$10,000 or less on an annual basis with a required match of over 40%.

The City Council must approve the application of and acceptance of any grants in excess of the limits established in Section 1 of this policy.

The City will assess the merits of a particular program as if it were funded with local tax dollars. Local tax dollars will not be used to make up for losses of intergovernmental aid without first reviewing the program and its merits as a budgetary increment. Therefore, no grant will be accepted that will incur management and reporting costs greater than the grant amount.

- (c) Grant Administration. Each department, authority or board must notify the Mayor upon acceptance of any grant. Prior to the receipt or expenditure of grant revenues, the Mayor must be provided with the following information prior to receiving grant revenues or making purchases against the grant:

1. Copy of grant application
2. Notification of grant award
3. Financial reporting and accounting requirements including separate account codes and/or bank accounts.
4. Schedule of grant payments

Each Board or Authority is responsible for the management of its grant funds and periodic reporting.

The City of Williamson shall establish two funds for grant disbursements. They shall be a Major Grant fund for all single grants in excess of \$50,000 and a Multiple Grant fund to accumulate by division all grants under \$50,000. These funds shall be subject to audit by the independent auditor and all state grant funds must have annual reports completed and submitted to the State Department of Audits if required.

Sec. 2-5-7 INTERNAL CONTROLS

The City of Williamson Mayor and City Council, in order to protect the assets of the citizens of The City of Williamson and to provide for reasonable assurances that the government of The City of Williamson, is operating in an efficient and effective matter do hereby establish the following internal control processes.

- (a) Objectives. The City of Williamson shall charge the Mayor to develop policies and procedures sufficient to achieve the following objectives with a degree of reasonable assurance:
 1. The City of Williamson shall maintain a sufficient level of reliability in our financial reporting to assure that the citizens and financial partners have a true and accurate picture of the City's financial and economic condition.
 2. The City of Williamson in order to protect the taxpayers of The City of Williamson from unreasonable taxation and to provide adequate services to the City shall develop policies and procedures to assure an effective and efficient manner of governmental operations.
 3. The City of Williamson shall conduct its affairs in compliance with all applicable municipal, local, state and federal laws and regulations.
- (b) Internal Control Components. In order to achieve the objectives listed in section 2-5-5 (a) above, The City of Williamson shall develop a comprehensive internal control system consisting of five interrelated components including a Control Environment, Risk Assessment process, Control Activities, a Information and Communication process and a process to Monitor the quality of internal control performance over time.
 1. Control Environment. The City of Williamson Mayor and City Council as management shall establish a control environment to set an ethical tone for the governmental organization. This ethical environment will serve as the foundation for the internal control process, provide discipline and structure. Key elements of this environment should include the following:

- a. The management should convey to the department heads and employees a sense of conducting operations ethically as evidenced by a code of conduct or other verbal or written directives.
 - b. Management shall respect and adhere to all legal compliance requirements of the municipal, local, state and federal governments.
 - c. The roles and responsibilities of department heads shall be clearly defined.
 - d. Department heads shall have adequate knowledge and experience to discharge their duties.
 - e. Management shall insure that all employees have adequate knowledge and training to discharge their duties. Management shall maintain an open door, non-punitive, process to allow staff to communicate all instances of non-compliance to procedures or risk to assets.
2. Risk Assessment. The City of Williamson Mayor and City Council shall conduct risk assessments based on a Structured Approach on a five-year cycle. The purpose of the risk assessment shall be to identify, analyze and manage risk associated with the internal control objectives set out in section 2-5-5 (a). All members of the organization shall participate in the risk assessment activities.

The Mayor and City Council are charged with procuring or developing a risk assessment tool to be utilized in this process.

3. Control Activities-The City of Williamson Mayor and City Council shall develop policies and procedures to insure that their directives are carried out. Key elements of control activities should include:
- a. Reviews of actual performance versus budget, forecast and prior period performance to determine variations in performance, financial and operational, of the departmental and functional components of government.
 - b. The development of a system of controls to check the accuracy, completeness and authorization of transactions in the management information systems and should include;
 - i. Data Entry Checks
 - ii. Exception Reporting
 - iii. Access Controls
 - iv. Review of input and output data
 - c. Safeguarding of assets against unauthorized acquisition, use or disposition. The Mayor and City Council are charged with developing a system to restrict access to City resources.
 - d. Segregation of Duties to include at a minimum the separation of the following duties;
 - i. Personnel/Payroll
 - 1. Hiring/Termination- The individual responsible for hiring, terminating and approving promotions shall not be involved with preparing payroll or inputting data

2. Payroll- Time Cards and/or timesheets must be reviewed by the City Clerk before the data is entered. Employees and the City Clerk must sign the document. The Mayor shall review on a quarterly basis all of the personnel salaries and wage rates.
 - ii. Expenditure Activities
 1. Purchasing/Payment- Approval for transactions that generate expenditures shall not be delegated to data entry personnel or the requesting end user. Approvals must be in writing and given by the governing authority of their designated representative.
 2. Receipt of Goods- The acknowledgement of receipt of goods shall not be the individual responsible for the ordering or purchase of those goods.
 - iii. Check Writing Activities
 1. The person preparing the check shall not be the person signing the check. The person signing the check shall not be the person reconciling the bank statements.
 2. Checking Account reconciliations must occur within 15 days of receipt of the appropriate bank records. A staff member not primarily associated with the production of those checks must conduct the reconciliation.
 - iv. Budgeting Activities. The Budget Officer is charged with the preparation of an annual budget. The Budgeting Officer must make available on a periodic basis a budget to actual comparative statement for the review of the City Council.
 4. Information And Communication. The Mayor, City Council and the City Clerk shall endeavor to insure that the City has a system in place to provide reasonable assurance that the identification, capture and exchange of information is provided in a form and time frame to allow people to carry out their responsibilities. The City shall at a minimum:
 - a. Insure adequate source documentation for all transactions
 - b. Provide reports on a timely basis to decision makers for review and appropriate action
 - c. Insure that accurate information is available to those who need it
 - d. Establish a schedule of reconciliations and reviews to ensure the accuracy of reports
 - e. Establish internal and external communication channels
 - f. Insure that employee's duties and control responsibilities are effectively communicated

- g. Establish an open and non-punitive channel of communications that allows employees to report suspected improprieties
5. **Monitoring.** The City of Williamson Mayor and City Council shall develop a process to assess the quality of internal control performance over time. Management involvement and oversight of the operations shall provide the key to determining significant variances from expectations and inaccuracies in financial data. The Mayor at a minimum should review all budget, financial and economic reports to provide independent reconciliations and reasonable safeguards. The City Clerk is charged with investigating and reporting to the Mayor and City Council on any irregularities or deficiencies. Corrective action and follow-up must be installed.

Sec. 2-5-8 ACCOUNTING, AUDITS AND FINANCIAL REPORTING

(a) Basis of Accounting

1. The City of Williamson shall use the Modified Accrual Basis of Accounting for all governmental fund types at the fund level. The City shall use the accrual method for all proprietary or fiduciary funds at the fund level.
2. At the entity-wide level The City of Williamson shall aggregate the governmental fund information and report using the accrual basis of accounting.

(b) Basic Principles

1. A qualified external auditor in accordance with GA Code §36-81-7 will perform an independent audit in compliance with Generally Accepted Audit Standards annually. This independent audit must be completed and mailed to the state auditor within 180 days of the end of the fiscal year.
2. The City of Williamson will endeavor to prepare a comprehensive annual financial report (CAFR) in accordance with Generally Accepted Accounting Principles (GAAP).
3. The City of Williamson will maintain accounting practices and an accounting system that are sufficient to enable the preparation and presentation of financial statements that conform to Generally Accepted Accounting Principles. The City of Williamson has adopted and will maintain the Uniform Chart of Accounts for Local Governments in Georgia as approved and amended by the Department of Community Affairs.
4. The City of Williamson will maintain accurate records of all assets to insure a high degree of stewardship of public property.
5. The City of Williamson will issue financial statements that conform to governmental generally accepted accounting principles.
6. The City of Williamson will issue financial reports at the Entity Level utilizing major funds as defined in GASB 34. The Auditors will also include original budget information in the comparison section of the financial reports.

7. The City of Williamson will report at the Government-wide level at a minimum with a Statement of Net Assets and a Statement of Activities that will disclose the total of primary governmental revenue allocation to the governmental activities. The basis of accounting at the government wide level shall be by the accrual method. To project a true and accurate reflection of the City's financial health The City of Williamson will insure that all long term assets and liabilities are accounted for in the government-wide financial statements.
8. The City of Williamson will endeavor to include a Management Discussion and Analysis with the Audit.
9. The City of Williamson will maintain an ongoing system of financial reporting to meet the needs of the Mayor and City Council, department heads, and the general public. Reporting systems will monitor the cost of providing services where possible. The reporting systems will promote budgetary control and comparative analysis.
10. The City of Williamson may enter into a yearly or multiyear agreement when obtaining the services of an independent auditor. Such agreements will be consistent with applicable legal requirements. The City will issue a request for proposal to independent auditors to provide an audit for City operations. The current auditing firm will be eligible to propose on this audit. The audit procurement process should be structured so that the principal factor in the selection of an independent auditor is the auditor's ability to perform a quality audit. In no case shall price be the sole criterion for the selection of an auditor.

Article C PROPERTY TAXES (RESERVED)

Sec. 2-5-15 through 2-5-20. Reserved

Article D OCCUPATION, PROFESSION AND BUSINESS TAXES

Cross Reference: Business and occupation licenses, Sec. 7-1-1 et seq.

Sec. 2-5-21 DEFINITIONS. The following words where used in this article, unless the context requires otherwise, shall be deemed to have the following meanings:

Business. Any business, trade, occupation, profession, avocation, or calling of any kind for gain or profit, directly or indirectly.

Engaged in business. Any person shall be deemed to be engaged in business and thus subject to the requirements of this article when he performs any act of selling any goods or service or solicits business or offers goods or services for sale for payment in an attempt to make a profit, including the sales or services of the character as made by a wholesaler or retailer or involved in any of the functions performed as a manufacturer, either as an owner, operator or agent in any business, trade, profession or occupation within this City.

Manufacturer. A person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use any articles, substances

or commodities; including all the activities of a commercial nature wherein labor or skill is applied by hand or machinery, to materials so that as a result thereof a new, different, or useful article of tangible personal property or substance of trade or commerce is produced; and including the production or fabrication of specially or custom made articles; and including the making, fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, preserving, canning and preparing and freezing of fresh foods, fruits, vegetables and meats.

Person. Any person, firm, partnership, corporation, association or group of individuals, or their representatives, acting as a unit.

Retailer. A person who sells to the consumer or any other person for any purpose other than for resale in the form of tangible personal property.

Services. The accommodating or performing a duty or work by a person utilizing time or talents for direct or indirect remuneration.

Wholesaler. A person who sells to jobbers or to another person other than the consumer anything in the form of tangible personal property.

Sec. 2-5-22 LEVY OF TAX.

- (a) Except as otherwise provided in this chapter, there is hereby levied and assessed a business tax, as set forth in a schedule entitled, "Business, Profession and Occupation Tax Schedule," on all occupations and businesses in the City which, under the laws of the State of Georgia, the City has the authority to collect a tax therefore.
- (b) The business, profession and occupation tax schedule for the City is hereby adopted and incorporated by reference herein and copies thereof shall be maintained on file in the office of the City clerk-treasurer.

Sec. 2-5-23 SEPARATE BUSINESSES. Where a person conducts a business at more than one (1) store, location or place, each store, location or place shall be considered a separate business under the terms of this article and a separate tax shall be levied and paid; and should more than one (1) business on which a tax is levied by this article be conducted in or in conjunction with one (1) place or kind of business, each such business shall be subject to a separate tax under this article unless such a combination is listed in the tax schedule.

Sec. 2-5-24 REGISTRATION REQUIRED. Every person engaged in any business, occupation or profession within the City upon which a tax is imposed or levied by this article, shall register that business, occupation or profession with the City clerk-treasurer on or before February 2 of each year, or within 10 days of the opening of a new business or the sale of any established business; upon forms to be supplied by the City clerk-treasurer, giving the name, address and type of business, occupation and profession and any other information as may be required by the City clerk-treasurer for the purpose of determining the amount of tax to be imposed or assessed by this article. A City business license application or application for Occupational Tax Receipt shall be sufficient to meet the requirements of this section.

Sec. 2-5-25 PAYMENT OF TAX. All taxes imposed and assessed as referenced in this article

shall be due and payable on or before February 2 of each year. Except in the case of any business commenced or under new ownership after that date, the taxes shall be due and payable within 10 days of when the business is commenced or reopened under new ownership. Payment of the tax may be made personally to the City clerk/treasurer in cash, or by company check, money order, bank draft, certified check or cashier's check made payable to the City. The tax shall be payable in a single installment.

Sec. 2-5-26 ISSUANCE OF TAX CERTIFICATE . Upon the payment of the taxes assessed in this article, it shall be the duty of the City clerk-treasurer to issue to each person a business or Occupational Tax Receipt and certificate as applicable. A City business license, if required, shall be sufficient for this section.

Sec. 2-5-27 CERTIFICATE TO BE DISPLAYED . All persons shall exhibit and display the City Occupational Tax Certificate or City license in some conspicuous place in their business establishment. Any transient or nonresident person, firm or corporation doing business within the City shall carry the certificate, license or a permit as required in Chapter 7-2, either upon his or her person or on any vehicle or other conveyance which is used in the business, and the person shall exhibit the same to any authorized enforcement officer of the City when requested to do so.

Sec. 2-5-28 CHANGE OF ADDRESS . Any person moving a non-transient business from one location to another shall notify the City clerk-treasurer of the move and the new address in writing, no later than 10 days after moving. The same tax certificate shall be valid at the new location.

Sec. 2-5-29 CHANGE OF OWNERSHIP; TRANSFERS . No tax certificate may be transferred from one person to another. Additions to or deletions from the ownership of a business, which do not affect the liability and the principal ownership of a business for which the certificate is issued, may be made without canceling the old business or occupational tax certificate and applying for a new certificate. Whenever any person shall lease, operate or control the business franchise or property of other persons, they shall obtain a separate business tax certificate for each such business; provided no business shall pay the tax more than once under such an arrangement.

Sec. 2-5-30 SPECIAL PROVISIONS FOR INSURANCE COMPANIES .

- (a) There is hereby levied an annual license fee upon each insurance company insuring risks within the City in the amount of \$15, plus an additional license fee of \$15 for each separate business location in excess of one (1) operated and maintained by that company within the City; provided, however, that this license fee shall entitle a company to write only one (1) class of insurance, and any company writing more than one (1) class of insurance shall be liable for any additional license fees for each class of insurance written within the City.
- (b) For the purposes of this section, the insurance business is classified according to the five (5) classes enumerated in section 33-3-5 of the Georgia Insurance Code (O.C.G.A., section 33-3-5).

- (c) There is hereby levied an annual license fee upon each separate business location from which an insurance business is conducted and which is not subject to the company license fees imposed by subsection (a) of this section, in the amount of \$10 for each such location within the City; provided, however, that this license fee shall authorize only one (1) class of insurance business to be conducted from such a location, and the writing of more than one (1) class of insurance from such a location shall render that location liable for an additional license fee for each class of insurance written.
- (d) There is hereby levied an annual tax upon each company writing life, accident and sickness insurance doing business within the City, in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year from policies upon the lives of persons residing within the corporate limits of the City. The tax levied by this subsection is in addition to the license fees levied by subsection (a) of this section.
- (e) Gross direct premiums as used in this section shall mean "gross direct premiums" as used in section 33-8-4 of the Insurance Code of Georgia (O.C.G.A., section 33-8-4).
- (f) There is hereby levied an annual tax upon each company doing an insurance business within the City, in an amount equal to 2.5 percent of the gross direct premiums received during the preceding calendar year from policies upon risks located within the corporate limits of the City, excluding premiums taxed under subsection (d) of this section. The tax levied by this subsection is in addition to the license fees levied by subsection (a) of this section, and shall not apply to casualty companies.
- (g) The license fees levied by subsections (a) and (c) of this section are due and payable on January 1 of each year. Any license fee not paid by February 15, for each respective year, shall be delinquent.
- (h) The premium taxes levied by subsections (d) and (f) of this section are due and payable on January 1 of each year. Any company not reporting and paying the premium tax on or before 45 days from January 1 of each year shall be delinquent.
- (i) Every insurance company doing business within the City and subject to the fees or taxes imposed by this section shall file with the City clerk/treasurer, on forms prescribed by him, a report showing the names and addresses of its agents representing that company in the City, the location and person in charge of each and every business location within the City operated and maintained by that company, the classes of insurance written, and any other reasonable information as may be required, and in addition, shall furnish complete information regarding the premiums received, by class, from policies written on risks residing or located within the City. The report shall be made over affidavit of an officer of the company. It is hereby declared to be a violation of this section for any person, firm, corporation or their agents, to knowingly give false or incomplete information on any report. The report shall be filed at the time of paying the license fee and premium tax.
- (j) The person responsible for each insurance business location subject to license fees under subsection (c) of this section shall file with the City clerk/treasurer a report, on forms prescribed by him, showing the address of the business location; the class or classes of insurance written; the names of the persons writing insurance at that location; the names

of the companies represented; and any other reasonable information as may be required. This report shall be made over affidavit of the person in charge of the business location. It is hereby declared to be a violation of this section for any person, firm, corporation or their agents, to knowingly give false or incomplete information on any report. The report shall be filed at the time of paying the license fee.

- (k) All reports required to be filed under this section shall be confidential and the information contained therein shall be solely for the use of the officers of the City responsible for administering this section.

Sec. 2-5-31 FINANCIAL INSTITUTIONS BUSINESS LICENSE TAX .

(a) Pursuant to O.C.G.A. section 48-6-93 there is hereby levied an annual business license tax upon state and national banking associations, federal savings and loan associations and state building and loan associations a business license tax at the rate of one quarter of one percent (.25%) of the gross receipts of said institutions. "Gross receipts" shall mean gross receipts as defined in O.C.G.A. section 48-6-93. Notwithstanding any other provisions of this chapter, the minimum amount of business license tax due from any depository financial institution pursuant to this chapter shall be \$1000 per year.

(b) Each depository financial institution within the City shall file a return of its gross receipts with the City on March 1 of the year following the year in which such gross receipts were measured. Said returns shall be in the manner and in the form in O.C.G.A 48-6-93(d). The tax levied pursuant to this section shall be assessed and collected based upon the information provided in said return. The due date of taxes levied by this section shall be April 1 of each year.

Sec. 2-5-32 ENFORCEMENT . The City clerk-treasurer shall issue executions for the collection of all outstanding and unpaid taxes imposed and assessed by this article. The unpaid taxes and executions shall be collected in the manner provided by law for the collection of other taxes due the City.

Sec. 2-5-33 PENALTIES .

Any person failing to register on or before February 2 of each year or in the case of a new business or new owner, within 10 days of commencing business, or failing to pay the tax due under the terms of this article by the due date, shall be subject to a penalty of 10 percent of the business or occupational tax when due per month for each month or fractional part thereof for which the tax is due or unpaid.

Sec. 2-5-34 CRIMINAL PENALTIES; LICENSES REVOKED .

Any person, firm or corporation including the officers, agents or employees of same, violating the provisions of this article, upon conviction thereof shall be punished as provided in Section 1-1-5 of this code. Each day in violation hereof shall be a separate offense hereunder. Any person so convicted shall be subject to the revocation of any City business license.

Chapter 2-6 CODE OF ETHICS

Sections:

- 2-6-1 Purpose.
- 2-6-2 Scope.
- 2-6-3 Definitions.
- 2-6-4 Prohibitions.
- 2-6-5 Conflict of Interest.
- 2-6-6 Board of Ethics.
- 2-6-7 Receipt of Complaints.
- 2-6-8 Service of Complaints.
- 2-6-9 Right to Appeal
- 2-6-10 Penalty

Sec. 2-6-1 PURPOSE

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by City officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the City;
- (c) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. 2-6-2 SCOPE

The provisions of this code of ethics shall be applicable to all elected or appointed City officials.

Notwithstanding anything herein to the contrary, state law and the charter of the City shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. 2-6-3 DEFINITIONS

Solely for the purpose of this code of ethics:

- (a) *City Official or official*, unless otherwise expressly defined does not include City employees but does mean the Mayor, members of the City Council, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the city charter, as amended. The term “City Official” also includes all individuals, including City employees, appointed by the Mayor and/or City Council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the Mayor and/or City Council.

(b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the City Council or other city board or commission, as well as the discussions or deliberations of the City Council, board, or commission which can or may lead to a vote or formal action by that body.

(c) *Employee* means any person who is a full-time or part-time employee of the City.

(d) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

(f) *Remote interest* means an interest of a person or entity, including a City official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

(g) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or (b) ten percent of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or

(4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 2-6-4 PROHIBITIONS

(a) No City official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the City.

(b) No City official, in any matter before the Council or other City body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.

(c) No City official shall act as an agent or attorney for another in any matter before the city

council or other city body.

(d) No City official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.

(e) No City official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.

(i) This prohibition shall not be applicable to the professional activities of the City attorney in his or her work as an independent contractor and legal advisor on behalf of the City.

(ii) This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City official who is not elected (such as, by way of example, a city manager, city administrator or chief of police, etc).

(iii) Any official who has a proprietary interest in an agency doing business with the City shall make that interest known in writing to the City Council and the City Clerk.

(f) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(g) Public property shall be disposed of in accordance with state law.

(h) No City official shall solicit or accept other employment to be performed, or compensation to be received, while still a City official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of City duties.

(i) If a City official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the City Council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.

(j) No City official shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

(k) No City official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(l) A City official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(m) A City official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.

(n) A City official shall not order any goods and services for the city without prior official authorization for such expenditure. No City official shall attempt to obligate the City nor give

the impression of obligating the City without proper prior authorization.

(o) No City official shall draw travel funds or per diem from the City for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefore.

(p) No City official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of Williamson nor shall any city official engage in ex parte communication with a municipal court judge of the City of Williamson on any matter pending before the Municipal Court of the City of Williamson.

Sec. 2-6-5 CONFLICT OF INTEREST

(a) A City official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.

(b) A City official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the Mayor and City Council prior to participating in a vote or decision regarding funding of the entity by or through the City.

(c) Where the interest of a City official in the subject matter of a vote or decision is remote or incidental, the City official may participate in the vote or decision and need not disclose the interest.

Sec. 2-6-6 BOARD OF ETHICS

(a) The Board of Ethics shall consist of three (3) members. The Board of Ethics shall be comprised of 2 residents of the City, one appointed by the mayor, one appointed by the Council. The third member shall be appointed by the Mayor and approved by a majority of the City Council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

(b) The two City-resident members of the Board of Ethics shall be residents of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.

(c) All members of the Board of Ethics shall serve a 3-year term.

(d) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the City.

(e) Members of the Board of Ethics with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any City official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.

(f) The members of the Board of Ethics shall serve without compensation. The City Council shall

provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(g) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.

(h) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of Williamson.

(i) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(j) Members of the Board of Ethics may be removed by majority vote of the Mayor and City Council. The Mayor and City Council may vote to remove board members for cause including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

Sec. 2-6-7 RECEIPT OF COMPLAINTS

(a) All complaints against City officials shall be filed with the Board of Ethics, who may require that oral complaints, and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form as may be prescribed by the City Council or the Board of Ethics. Upon receipt of a complaint in proper form, the chair of the Board of Ethics shall forward a copy of the complaint to the City official or officials charged in the complaint within no more than seven (7) calendar days.

(b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this ordinance.

(c) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the City official. For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(d) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not

deprive the complaining party of any action such party might otherwise have at law or in equity against the City official.

(e) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.

(f) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the City Council has not prescribed such forms.

(g) Findings of the Board of Ethics shall be submitted to the City Council for action.

(h) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a City official, whether currently serving as a City official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Sec. 2-6-8 SERVICE OF COMPLAINT

The City Clerk or Board of Ethics as appointed herein set forth shall cause the complaint to be served on the City official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery. A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses.

The decision of the Board of Ethics shall be rendered to Mayor and Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the City official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The City official subject to the inquiry shall also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the City Council to act upon any complaint.

Sec. 2-6-9 RIGHT TO APPEAL

(a) Any City official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Pike County within thirty (30) days after the decision of the

Board of Ethics. The filing of such application shall act as supersedeas.

Sec. 2-6-10 PENALTY

Any person violating any provision of this article is subject to:

- (a) Public reprimand or censure by the City Council; or
- (b) Request for resignation by the City Council.

Title 3 PUBLIC SAFETY

Chapters:

- 3-1 Law Enforcement
- 3-2 Fire Prevention and Protection

Chapter 3-1 LAW ENFORCEMENT – (Reserved)

Chapter 3-2 FIRE PREVENTION AND PROTECTION

Sections:

- 3-2-1 Fire chief and members.
- 3-2-2 Interfering with equipment.
- 3-2-3 Enforcement.
- 3-2-4 Tampering with alarm system.
- 3-2-5 through 3-2-20 Reserved.
- 3-2-21 Fire prevention code adopted.
- 3-2-22 Fire limits defined.
- 3-2-23 Burning of junked automobiles.

State Law Reference: Crossing over fire hose, O.C.G.A., Sec. 40-6-248; turning in false alarm of fire, O.C.G.A., Sec. 16-10-27.

Sec. 3-2-1 FIRE CHIEF AND MEMBERS. The fire department shall be headed by a fire chief and shall be composed of such other paid or volunteer members and employees as may be determined necessary by the mayor and council.

Sec. 3-2-2 INTERFERING WITH EQUIPMENT. No person other than a duly enrolled member of the fire department shall ride upon the fire trucks of the City at any time, nor use, borrow or interfere with any fire department equipment, or attempt to use the equipment at the scene of a fire unless authorized to do so by the fire chief.

Sec. 3-2-3 ENFORCEMENT. Whenever the fire department is answering an alarm or

operating at the scene of a fire or other emergency every enrolled member of the department is hereby empowered and authorized to control and direct motor vehicle traffic, stop or move vehicles, and enforce all provisions of this article and any other code provisions the enforcement of which is deemed necessary to assist in the control of the fire or other emergency.

Sec. 3-2-4 TAMPERING WITH ALARM SYSTEM. It shall be unlawful for any person or persons to willfully, maliciously or mischievously interfere or tamper with any fire alarm box or any of the appliances or apparatus connected therewith, located within the corporate limits.

Sec. 3-2-21 FIRE PREVENTION CODE ADOPTED. The Standard Fire Prevention Code, 1988 Edition, published by the Southern Building Code Congress International, Inc., is hereby adopted in its entirety as a general ordinance of the City and is incorporated herein as fully as if set out at length herein. A copy of the fire prevention code shall be maintained in the office of the City clerk where it shall be available for public inspection.

Sec. 3-2-22 FIRE LIMITS DEFINED. The fire limits of the City are hereby defined as all that area within the City limits, as those limits now exist, or as they may hereafter be amended.

Sec. 3-2-23 BURNING OF JUNKED AUTOMOBILES. The burning of junked automobiles is prohibited except pursuant to rules and regulations promulgated by the Mayor and Fire Chief. (Ord. dated 5/28/70)

Title 4 PUBLIC WORKS; STREETS, RIGHTS-OF-WAY, SIDEWALKS AND OTHER PUBLIC PLACES

Chapters:

- 4-1 In General
- 4-2 Installation, Repairs and Maintenance
- 4-3 Solid Waste Collection and Disposal
- 4-4 Parks and Recreation

CHAPTER 4-1 GENERAL

Sections:

- 4-1-1 Penalty.
- 4-1-2 Obstruction of right-of-way.
- 4-1-3 Use by public utilities.
- 4-1-4 Utility and Right-of-Way Disturbance Permits.
- 4-1-5 thru 4-1-25. Reserved.

Sec. 4-1-1 PENALTY. Except as otherwise stated in this article, violations of this article shall be punished as provided in section 1-1-5.

Sec. 4-1-2 OBSTRUCTION OF RIGHT-OF-WAY.

(a) No person shall place or cause to place in any street and/or sidewalk debris, rubbish, irrigation water, boxes, displays, signs, poles, goods, merchandise, or any other object so as to impede and/or endanger traffic on streets and/or sidewalks.

(b) No person or company shall construct or maintain a drive, yard, or lot constructed of gravel, pebbles, dirt or stone in such a manner that vehicles cause loose stones, dirt, pebbles or gravel to be thrown on to the adjacent street and/or sidewalk.

(c) Any personal property placed on the right-of-way following an eviction shall be removed within 24 hours of physical eviction unless an extension of time is requested on behalf of the evicted tenant. For purposes of this chapter, such property is deemed abandoned property 24 hours following eviction unless the landlord by contract specifies a shorter time. If the property is not removed within 24 hours, the city may commence removal and cite the property owner.

Sec. 4-1-3 USE BY PUBLIC UTILITIES.

(a) Any public utility occupying or utilizing in any manner the city streets, rights-of-way, easements, or any other city property shall enter into a franchise agreement with the City and obtain a Right-of-Way Disturbance Permit as necessary from the City prior to commencement of operations or activities unless the City Council grants the utility or operator permission otherwise.

(b) A utility not currently granted a franchise agreement with the City which shall use and occupy any city streets, rights-of-way, easements, or on any other city property is liable to the City for the payment of reasonable franchise fees commensurate with those fees charged to similarly situated public utilities.

Sec. 4-1-4 UTILITY AND RIGHT-OF-WAY DISTURBANCE PERMITS.

(a) No utility, contractor, firm or individual shall perform construction, excavation, repair, installation, maintenance or improvement to, or otherwise disturb, the streets, alleys, easements, sidewalks or other public ways or the adjacent rights-of-way of the City of Williamson without a Right-of-Way Disturbance Permit issued by the City of Williamson, authorizing the same, as referenced in Code § 4-2-2, 4-2-3 prior to starting any pavement cuts, curb cuts or any utility repairs or installations on city rights-of-way; except, that in the event an emergency exists where the health and safety of the citizens of the City are in danger, or for the immediate preservation of property, an excavation, embankment or obstruction may be made to the extent of abating the dangerous condition or situation; provided, upon relieving the existing emergency, the person making the excavation shall notify the City and otherwise comply with the requirements of this chapter regulating same.

(b) A Right-of-Way disturbance Permit will not be issued until the applicant has produced evidence of intended compliance with the utility and right-of-way disturbance permits procedures, policies and guidelines, which publication is hereby adopted by reference. The issuance of a permit is not an affirmative assumption by the City to supervise or ensure the permittee complies with all requirements.

(c) Failure of permittee to comply will not be grounds for any actions against the City for negligence in issuing the permit.

State law references: O.C.G.A. § 36-30-10.

CHAPTER 4-2 INSTALLATION, REPAIRS AND MAINTENANCE

Sections:

- 4-2-1 Penalty.
- 4-2-2 Permit required.
- 4-2-3 Permit procedure.
- 4-2-4 Bond and insurance requirements.
- 4-2-5 Road signage and warnings.
- 4-2-6 Damaging streets, etc.; removing dirt.
- 4-2-7 Repair after excavation.
- 4-2-8 City acceptance and maintenance of city streets and rights-of-way.
- 4-2-9 thru 4-2-25. Reserved.

Sec. 4-2-1. PENALTY.

Except as otherwise stated in this article, violations of this article shall be punished as provided in section 1-1-5.

Sec. 4-2-2. PERMIT REQUIRED.

- (a) No utility, contractor, firm or individual shall perform construction, excavation, repair, installation, maintenance or improvement to, or otherwise disturb, the streets, alleys, easements, sidewalks or other public ways or the adjacent rights-of-way of the City of Williamson without a Right-of-Way Disturbance Permit issued by the City of Williamson.
- (b) Such permit shall be posted at the construction site at all times. Such construction must conform to the construction/maintenance guidelines and specifications of the City and/or Pike County and the State Department of Transportation.
- (c) No person or company shall construct a drive or entrance to any public road without a permit from the City.
- (d) It is unlawful for any person to construct any permanent feature such as an irrigation system, sign or fence in the street right-of-way without a permit from the City.

Sec. 4-2-3. PERMIT PROCEDURE, POLICY AND GUIDELINES.

- (a) Any permit shall indicate in writing the following:
 - (1) All proposed construction, excavations, repairs, installations or improvements, maintenance, or alteration to existing city sidewalks, streets, rights-of-way or other City property, including a description of the character of the work to be done, a full description of the premises where such work is to be done, and when possible, proposed measurements and plats of any repair, alteration, excavation, improvement or maintenance.

- (2) A statement attesting to compliance with applicable local, state, and federal laws.
- (3) A Statement giving a proposed timeline and a maximum timeframe for the completion of the project. The maximum timeframe shall not be exceeded unless an extension is granted by the City prior to the exceedance. Exceptions may be considered if the exceedance is caused by an act of nature such as inclement weather or other factors beyond the control of the permittee.
- (4) That the permittee will hold the City harmless from all damages, real or asserted, that may occur by reason of the operation.

(b) Each application for a permit under this Chapter shall be signed by the person applying for the permit. The permit shall be issued in duplicate, the original to be delivered to the party applying therefore, and one copy to be filed in Williamson City Hall together with the application.

(c) Application for a Right-of-Way Disturbance Permit shall be made at least five (5) working days prior to commencement of operations requiring such permit.

(d) A Right-of-Way Disturbance Permit, issued by the City of Williamson must be obtained prior to commencement of operations requiring such permit.

(e) The City of Williamson is authorized to establish additional guidelines for applying for Right-of-Way Disturbance Permits. Said guidelines shall be consistent with this Code and approved by the City Council.

(f) Permits will be issued upon approval of a plan, sketch, or schematic indicating that the work to be permitted will comply with all applicable laws, ordinances, and standards including, but not limited to, all provisions of this Code.

Sec. 4-2-4 BOND AND INSURANCE REQUIREMENTS.

Note: "Performance bond" means a bond with good and sufficient surety or sureties for the faithful performance of the contract and to indemnify the governmental entity for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be payable to, in favor of, and for the protection of the governmental entity for which the work is to be done. At the discretion of the City of Williamson, an irrevocable letter of credit may be accepted in lieu of a performance bond. The required amount of the irrevocable letter of credit shall be determined relative to the particular project. "Maintenance Bond" means a bond with good and sufficient surety or sureties for the maintenance to replace or repair failures of installed infrastructure and to indemnify the governmental entity for any damages occasioned by a failure of subject infrastructure within the prescribed time. Considerations for the amount of a maintenance bond shall be made with input from an outside source such as the Pike County Public Works Department.

(a) Public road projects contracts over \$5,000.00 require performance bond and payment bond as well as public liability and property damage insurance bonds or policies, and bonds to maintain in good condition; such completed construction for a period of not less than two years, and meeting the requirement set forth in O.C.G.A. § 32-4-119, et. al.. The amount of

insurance depends on the size and scope of the project.

(b) Public works contracts over \$40,000.00 must provide a bid bond, performance bond, and payment bond in accordance with O.C.G.A. title 36, chapter 91.

(c) Any contractor entering a contract with the City of Williamson must carry a worker's compensation policy at the minimum statutory limit, unless he is exempt under O.C.G.A. § 34-9-1 et seq.

(d) Licensed professionals contracting with the City of Williamson for services in the amount of \$40,000.00 or more must provide professional liability coverage of \$1,000,000.00.

(e) Any utility, contractor, firm or individual requiring a Right-of-Way Disturbance Permit must provide evidence of a performance bond or irrevocable letter of credit as required by the City of Williamson in the amount to be determined for the particular project.

(f) Any utility, contractor, firm or individual requiring a Right-of-Way Disturbance Permit must provide evidence of a public liability and property damage insurance bonds or policies, and performance bonds, pursuant to O.C.G.A. § 32-4-119. The amount of insurance depends on the size of the project.

(g) Bond and/or insurance requirements set forth in this section must be satisfied before any utility, contractor, firm or individual requiring a Right-of-Way Disturbance Permit may commence construction, excavation, repair, installation, maintenance or improvement to, or otherwise disturb, the streets, alleys, easements, sidewalks or other public ways or the adjacent rights-of-way of the City of Williamson.

(h) Maintenance bonds may be required separately from performance bonds and shall cover installed improvements for a designated period of time after the acceptance of the improvements. Maintenance bonds shall be sufficient to repair or replace the infrastructure upon which the bond is held. An outside agency such as the Pike County Publics Works department may be used to verify the necessary amounts of bonds to cover possible failures or needed maintenance of the covered infrastructure.

Sec. 4-2-5. ROAD SIGNAGE AND WARNINGS.

(a) Each person or company to whom a Right-of-Way Disturbance Permit has been issued to perform construction work in the street right-of-way in the City of Williamson shall place appropriate traffic devices and signage as dictated by the current edition of the Manual on Uniform Traffic Control Devices or other applicable State, County, or City directives.

(b) It is unlawful for any person, firm, or corporation who obtains a permit under this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, or public place of the City without placing and maintaining proper guardrails and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries.

Sec. 4-2-6. DAMAGING STREETS, CITY PROPERTY, ETC.; REMOVING DIRT.

(a) No person shall excavate, cut down, disturb, dig up or otherwise damage or destroy, for any purpose, any of the City streets or alleys or adjacent rights-of-way or any other City of Williamson property without an applicable permit from the City of Williamson.

(b) No embankment or other obstruction shall be placed upon City streets, alleys, sidewalks, other public ways or the adjacent rights-of-way and no person shall be allowed to dig or haul any dirt from any of the streets or alleys or adjacent rights-of-way of the City of Williamson without written permission from the city.

Sec. 4-2-7. REPAIR AFTER EXCAVATION.

(a) When any part of any street, alley, easement, right-of-way, or other property of the City of Williamson is excavated, disturbed or dug up for any purpose, or when an embankment or obstruction is placed thereon, the person or company performing such construction work shall, immediately upon the completion of such purpose, and within at least seven (7) days after the completion of such purpose, backfill and compact the same to a firm and solid bearing and in such manner as will entirely prevent the settling of such earth, and shall also relay the paving in a skillful and permanent manner, and in every case, to the satisfaction of the City, restore the disturbed surface to the state existing immediately prior to the disturbance. The street, sidewalk, and landscaping shall be promptly restored to a condition as good as or better condition than before the construction commenced. In no case shall the time between completion of the permitted work and the completion of the aforementioned restoration be greater than ten (10) days.

(b) The City or its authorized agent may conduct a final inspection to ensure that the street, sidewalk, or public way is restored to a condition as good in all respects as before the excavation or work was made or done, and that all debris, materials, tools, and equipment are removed.

(c) Failure to comply with the requirements of this section shall constitute an offense, and each day such failure continues shall constitute a separate offense.

Sec. 4-2-8. CITY ACCEPTANCE AND MAINTENANCE OF CITY STREETS AND RIGHTS-OF-WAY.

(a) The City of Williamson should not consider accepting into the City of Williamson road system, the streets and adjacent rights-of-way within a platted subdivision, unless approved residences have been constructed on at least eighty (80) percent of the platted residential lots and those residences have been issued a certificate of occupancy by the City of Williamson or Pike County. For example, a subdivision of 200 platted lots would require 160 homes completed before the City of Williamson should consider accepting the streets and rights-of-way.

(b) As stated above, the streets and adjacent rights-of-way within a platted subdivision should not be accepted into the City of Williamson road system, nor the transfer of the deed of such property to the City accomplished, until approved residences have been constructed on at least

eighty (80) percent of the platted residential lots and those residences have been issued a certificate of occupancy by the City of Williamson or Pike County, however the City may, in lieu of the requirement to complete all subdivision infrastructure, allow a developer of an approved phased development to enter into a developmental agreement with the City for phased development of sections of the subdivision and each phase of the subdivision may then be accepted individually into the City road system. The eighty percent completion requirement may then be waived and improvement maintenance bonds accepted for the improvements for each phase for a period of not less than two years from the date of the acceptance of the improvements. This is in addition to section 6-3-37 of this code which allows performance bonding in lieu of infrastructure completion. Section 4-2-4 (h) of this chapter further references the requirement for improvement maintenance bonds.

(c) The City of Williamson is responsible for maintaining streets and grass and other vegetation on the rights-of-way adjacent to streets, roads, drives and alleys located inside the City limits provided the street, road, drive or alley has been accepted into the City of Williamson road system and is not located within a platted subdivision.

(d) Within platted, approved subdivisions the maintenance of lots, including yards, lawns, and other vegetation, shall be the responsibility of the property owner and such responsibility shall extend to the paved portion of the street or the curb or gutter if applicable. The City shall maintain responsibility for the repair of accepted streets, curbs or gutters and retains the right of ingress and egress upon all rights-of-way of accepted streets, roads and alleys within the Municipal limits. Any disturbance of rights-of-way and City property upon rights-of-way shall be in accordance with provisions of this chapter and other applicable City, County and State regulations.

(e) Streets and rights-of-way within platted subdivisions remain the responsibility of the developers, homeowners' associations or property owners until such time as the streets and rights-of-way are accepted as City property in accordance with the provisions of this chapter and other applicable City regulations.

(f) Maintenance of lots, lawns, yards and other vegetation is required in accordance with City Municipal Code Chapter 9 and other applicable City, County and State regulations.

(g) If ornamentals, shrubs, flowers, etc are placed upon City rights-of-way, the maintenance of those items and any other grass and other vegetation upon the section of the City right-of-way adjacent to that parcel becomes the responsibility of the property owner and the City of Williamson shall not be responsible for any damage to those items incurred by routine City right-of-way maintenance.

Chapter 4-3 SOLID WASTE COLLECTION AND DISPOSAL

State Law Reference: Authority of municipalities to provide for garbage and solid waste collection and disposal, O.C.G.A. § 12-8-30.9, Powers of local governmental bodies; O.C.G.A. § 12-8-31.1. Local, multijurisdictional, or regional solid waste plans.

Sections:

- 4-3-1 Preparation and storage of waste.
- 4-3-2 Unauthorized accumulation of solid waste; nuisance.
- 4-3-3 Scavenging.
- 4-3-4 Penalties.
- 4-3-5 Recycling.

Sec. 4-3-1 PREPARATION AND STORAGE OF WASTE. The owner or occupant of each residence or business or commercial establishment shall be charged for waste collection on a monthly basis. The City will include waste collection charges with the municipal water bill. The City may contract with a waste collection service for solid waste collection and disposal. A standard, roll-out container shall be provided by the waste collection company. Additional garbage and/or trash containers provided by the owner or occupant shall at all times be maintained in a good state of repair and have a cover to keep the rain out. Each owner or occupant shall arrange for curbside positioning of waste generated at his residence, business or commercial establishment in accordance with the published schedule of collection. Waste containers shall be placed at curbside no earlier than 4:00 pm on the day prior to the published day of collection and the containers removed from curbsides and relocated upon private property no later than 6:00 pm on the day after the day of waste collection.

Sec. 4-3-2 UNAUTHORIZED ACCUMULATION OF SOLID WASTE; NUISANCE. Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within a reasonable time as may be fixed by written notice from the City shall be deemed a violation of this code.

Sec. 4-3-3 SCAVENGING. No person other than the owner thereof shall interfere with any container placed for the purpose of storing solid waste pending collection, or remove or take any of the contents thereof, or remove any container from the location where the container has been placed by the owner thereof.

Sec. 4-3-4 PENALTIES. Any person convicted of violating any of the provisions of this chapter shall be punished as provided in section 1-1-5 of this code.

Sec. 4-3-5 RECYCLING. The City of Williamson may offer or provide for collection and transfer of recyclable materials in order to aid in preserving our environment and reducing costs associated with the collection, transport and disposal of garbage in landfills. The City may adopt policy and create and enforce ordinances pertaining to the collection and transfer of recyclable materials.

Chapter 4-4 PARKS AND RECREATION

Sections:

- 4-4-1 Definitions.
- 4-4-2 Department of Parks and Recreation.
- 4-4-3 Duties of Parks and Recreation Director.
- 4-4-4 thru 4-4-25. Reserved.

Sec. 4-4-1. DEFINITIONS. The following words, terms and phrases, when used in this

chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Athletic field means areas within parks designed and used specifically for active play of a team game.

Green Belt means the City of Williamson Zoning Classification of Green Belt (GB), City-owned property. GB zoning districts are intended to establish and preserve generally quiet areas of public use and for public purposes for use as desired by the City of Williamson.

Green space means open, undeveloped land, either in public or private ownership. Usually used in connection with property that has the potential of being developed for parks or other public usage.

Greenway means a linear park, usually including a trail or series of trails. It generally has relatively minimal development. The greenway is often used as an attempt to preserve green space in a very urban area, such as under a power line easement.

Indoor facility means any facility designed and utilized for indoor recreation activities and includes community center, recreation center, aquatic facility, racquet courts, cultural arts center, performing arts center, arts and crafts center, museum, etc.

Park means a publicly owned outdoor land set aside for the use of the public for recreation. Parks may be active, which include play fields, athletic fields, golf courses, and similar facilities designed for active play; and passive, which include picnic areas, arboretums, nature centers, flower gardens, waterfront areas with sitting areas, and similar types of facilities designed for gathering or for contemplation. A park must be of size or complexity to be used or visited. Simple landscaping or a single piece of sculpture would not be considered a park without being part of a larger coordinated landscape area or series of sculpture. The park is the backbone of any recreation and park system.

Playground means an active area within a park consisting of equipment designed for children to use in an interactive play environment.

Trail means a path or narrow transportation-oriented corridor for the primary purpose of biking, running, walking, or other non-motorized use. It may be of impervious surface, such as asphalt, or may be left in its natural state, or may be composed of wood chips, cinders, or other types of natural material. Trails usually have a beginning and ending point and ideally have at least one such trailhead.

Sec. 4-4-2. DEPARTMENT OF PARKS AND RECREATION.

(a) **Created.** There is hereby created a Department of Parks and Recreation.

(b) **Purpose.** It is the purpose and duties of the Department are as follows:

- (1) **Needs.** Study and research the recreation and park needs of the citizens of the City, and create and manage a comprehensive recreation and park system of programs and facilities to meet those needs;
- (2) **Standards.** Establish and promote recreation and parks standards;

- (3) **Management.** Cooperate with state, federal, commercial and voluntary agencies in the management of the recreation and parks system; implement and support policies of the Mayor and City council; and formulate day-to-day operating policies for the efficient administration of the department.

Sec. 4-4-3. DUTIES OF PARKS AND RECREATION DIRECTOR.

The parks and recreation director shall:

- (a) Implement and support the policies of the Mayor and City council.
- (b) Develop, direct, and implement the recreation and parks master plan at the direction of the City.
- (c) Determine, prioritize, establish, conduct, construct, and maintain a recreation and parks system for the City that meets the leisure needs of the citizens, including but not limited to parks, playgrounds, trails, indoor recreation centers, programs, activities, and the maintenance and repair of such facilities as required.
- (d) Recommend the setting aside, leasing, or acquisition of lands or buildings within the city limits for use as parks, playgrounds, recreation centers, or for other recreational purposes, and to provide for the maintenance and improvement of these areas.
- (e) Determine and recommend a schedule of fees and charges for all recreation programs, classes, events, festivals, vendors, and facility rentals and shall publish this schedule on an annual basis.
- (f) Otherwise assist in the operation and enforcement of this chapter.

Charter references: City authority to contract, provide recreation facilities §1.13(7), (26); authority of city council, §2.17; Administrative Affairs §3.10.

Title 5 MUNICIPAL UTILITIES

Chapters:

- 5-1 Water Supply
- 5-2 Sewerage System

Chapter 5-1 WATER SUPPLY

Sections:

- 5-1-1 Tapping charge.
- 5-1-2 Meters.
- 5-1-3 Schedule of water rates.
- 5-1-4 Deposit required; discontinuance of service for non-payment; reinstatement of service.
- 5-1-5 Connections to be performed by authorized persons.
- 5-1-6 Unlawful to tamper with meter or any parts thereof.

5-1-7 Only authorized persons to use water for public hydrants.

Sec. 5-1-1 TAPPING CHARGE. A tapping charge as set by the Schedule of Water Rates and Connection Fees shall be imposed for each new connection to the City water system.

Sec. 5-1-2 METERS.

(a) Every regular consumer of water shall be supplied with a meter by the City, which meter shall be under the exclusive control of the City, for which the consumer shall deposit an amount as determined by the mayor and council and filed in the City clerk's office; this amount shall be refunded by the City in the event that any consumer discontinues the use of City water, less all charges which may stand against that consumer.

(b) Water meters shall be located at the property line adjacent to a street or alleyway or at any other location as determined by the City. The person in whose name the service is rendered shall be responsible for water rents.

Sec. 5-1-3 SCHEDULE OF WATER RATES. The Schedule of Water Rates and Connection Fees, as set from time to time by the Mayor and Council, shall be kept current and maintained in the office of the City Clerk.

Sec. 5-1-4 DEPOSIT REQUIRED; DISCONTINUANCE OF SERVICE FOR NONPAYMENT; REINSTATEMENT OF SERVICE.

(a) Each user of water supplied by the City waterworks system shall deposit, with the City Clerk, a water deposit as set by the Mayor and City Council.

(b) This deposit shall remain on in the City treasury as a guarantee for charges for water service and usage. In the event that the customer fails to pay the charges for the water service and usage, then the City Clerk shall apply the deposit towards liquidation of the amount due by the customer, and the water supply to his premises shall be disconnected.

(c) The City is required to give the water user three (3) days' notice before discontinuing service for nonpayment of bills.

(d) Water bills are to be paid by the 10th day of each month. A late penalty, as set by the Mayor and City Council, shall be assessed for bills paid after the due date.

(e) Service shall be reinstated following discontinuance only when the delinquent account has been paid in full and upon payment to the City of a reinstatement fee set by the Mayor and City Council.

Sec. 5-1-5 CONNECTIONS TO BE PERFORMED BY AUTHORIZED PERSONS. It shall be unlawful for any person except an authorized employee of the City to connect with or tap any water main of the City, except with the specific authorization of the employee and under his supervision.

Sec. 5-1-6 UNLAWFUL TO TAMPER WITH METER OR ANY PARTS THEREOF. It shall be unlawful for any person to remove, tamper or in any way meddle with any water meter box, rim cover thereto, or any part of any water meter box.

Sec. 5-1-7 ONLY AUTHORIZED PERSONS TO USE WATER FROM PUBLIC HYDRANTS. No

person, except authorized City officers and employees, shall take water from any public hydrant, plug, street washer or drain cock.

Title 6 PLANNING AND DEVELOPMENT

Chapters:

- 6-1 General Provisions
- 6-2 Building Regulation and Code Enforcement
- 6-3 Subdivisions
- 6-4 Sign Ordinance
- 6-5 Zoning (Reserved)

Chapter 6-1 GENERAL PROVISIONS

Sections:

- 6-1-1 Minimum lot sizes and setbacks

Sec. 6-1-1 MINIMUM LOT SIZES AND SETBACKS. See the Williamson Zoning Ordinance for minimum lot sizes and setback requirements in each zoning classification.

Chapter 6-2 BUILDING REGULATION AND CODE ENFORCEMENT

Article A – ADMINISTRATION

Sections:

- 6-2-1 through 6-2-10 Reserved

Article B -- BUILDING

Sections:

- 6-2-11 Building code adopted.
- 6-2-12 through 6-2-20 Reserved.

Article C -- ELECTRICAL

Sections:

- 6-2-21 Electrical code adopted.
- 6-2-22 Applicability of provisions to home owners.
- 6-2-23 Permits.
- 6-2-24 Permit fees.
- 6-2-25 Inspections.
- 6-2-26 through 6-2-30 Reserved.

Article D -- PLUMBING

Sections:

- 6-2-31 Plumbing code adopted.
- 6-2-32 through 6-2-40 Reserved.

Article E -- GAS

Sections:

- 6-2-41 Gas code adopted.
- 6-2-42 Applicability of provisions to home owners.
- 6-2-43 through 6-2-50 Reserved.

Article F – HEATING AND AIR CONDITIONING

Sections:

- 6-2-51 Heating and air conditioning code adopted.
- 6-2-52 through 6-2-60 Reserved.

Article G -- SWIMMING POOL CODE

Sections:

- 6-2-61 Swimming pool code adopted.
- 6-2-62 through 6-2-70 Reserved.

Article H – STANDARDS FOR MANUFACTURED HOMES

Sections:

- 6-2-71 ANSI standards adopted.
- 6-2-72 Manufactured home permits.

Article A -- ADMINISTRATION

Editorial Note. Building inspections are performed by Pike County under contract with the City by Intergovernmental Agreement.

Secs. 6-2-1 through 6-2-10 Reserved.

Article B – BUILDING

Cross Reference: Fire Limits Defined, Sec. 3-2-22.

Sec. 6-2-11 BUILDING CODE ADOPTED. For the purpose of establishing rules and regulations for the construction, alteration, use, demolition and removal of buildings or other structures, or any appurtenances connected or attached thereto, there is hereby adopted the Georgia State Building Code, being particularly the 1985 edition and subsequent editions and revisions thereof, as published by the Georgia Department of Community Affairs, and the whole thereof, except the portions as are hereafter deleted, modified or amended, a copy of which has been and is now filed in the office of the City clerk and which is hereby adopted and incorporated by reference as fully as if set out at length herein, and the provisions thereof shall be controlling as to all subjects therein contained, within the corporate limits, except that in the event that any of the provisions are in conflict with other provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

Article C -- ELECTRICAL

Sec. 6-2-21 ELECTRICAL CODE ADOPTED. The 1990 edition and subsequent editions and revisions of the National Electrical Code, Standard of the National Board of Fire Underwriters,

as recommended by the National Fire Protection Association, and approved by the American Standards Association, being NFPA No. 70, is hereby adopted as the minimum standard for the installation of all electrical wiring, devices and equipment in the City, except as otherwise specifically provided in this article, and is hereby made a part of this article as fully and to the same extent as if copied herein in full. A copy of the code is on file in the office of the City clerk. In the event of any conflict between the provisions of the electrical code and the provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

Sec. 6-2-22 APPLICABILITY OF PROVISIONS TO HOME OWNERS. Nothing contained within this article shall prevent any home owner from installing or maintaining electrical wiring within his own property boundaries; provided the electrical work is done by the home owner himself and is used exclusively by the home owner or his family. This privilege does not convey the right to violate any of the provisions of this article, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected nor from paying the required fees therefore.

Sec. 6-2-23 PERMITS. Before any electrical wiring, devices or equipment are installed, repaired or altered in any building or structure within the City, the person making the installation, repair or alteration shall obtain a permit therefore from the building inspector.

Sec. 6-2-24 PERMIT FEES. Before any permit for electrical work shall be issued under the provisions of this article, the applicant therefore shall pay the permit fees as shall be determined by the mayor and council from time to time.

Sec. 6-2-25 INSPECTIONS. It shall be unlawful for any person controlling any electrical wiring in or of houses or buildings within the City to allow any electrical current to be turned on or consumed in any building without having first had an inspection thereof made and a certificate of approval thereof being issued.

Secs. 6-2-26 through 6-2-30 Reserved.

Article D -- PLUMBING

Sec. 6-2-31 PLUMBING CODE ADOPTED. The Georgia State Plumbing Code as published by the Georgia Department of Community Affairs, being particularly the 1982 edition with 1984 and 1987 amendments, together with all subsequent editions and amendments thereto, is hereby adopted as the code of the City relating to the installation of all plumbing, including the pipes for distributing the water supply, the fixtures for using water and the drainage pipe for removing waste water and sewage, together with fittings and appurtenances of various kinds, all within or adjacent to the buildings within the City or where connected to the City's water or sewerage system, and the whole thereof, except the portions as are hereafter deleted, altered or amended, is incorporated herein as fully as if set out at length, and all plumbers shall be required to make installations contained therein, a copy of which code is on file in the office of the City clerk. In the event of any conflict with the provisions of the plumbing code and the provisions of this code, state law or ordinances, rules or regulations, the provisions of this code,

state law or ordinances, rules or regulations shall prevail and be controlling.

Secs. 6-2-32 through 6-2-40 Reserved.

Article E -- GAS

Sec. 6-2-41 GAS CODE ADOPTED. There is hereby adopted by and for the City, a gas code known as the Georgia State Gas Code, 1985 edition and subsequent editions and revisions, which code is published by the Georgia Department of Community Affairs, and which is referred to, incorporated herein, and made a part hereof for all purposes, a copy of which code is on file in the office of the City clerk. In the event of any conflict between the provisions of the gas code adopted by this section and any provisions of this code, state law or ordinance, rule or regulation, the provisions of this code, state law or ordinance, rule or regulation shall prevail and be controlling.

Sec. 6-2-42 APPLICABILITY OF PROVISIONS TO HOME OWNERS. Nothing contained within this article shall prevent any home owner from installing or maintaining gas piping or gas appliances within his own property boundaries; provided the gas work is done by himself and is used exclusively by him or his family. This privilege does not convey the right to violate any of the provisions of this article; neither shall it be construed as exempting any property owner from obtaining a permit and having the work inspected nor from paying the required fees therefore.

Secs. 6-2-43 through 6-2-50 Reserved.

Article F – HEATING AND AIR CONDITIONING

Sec. 6-2-51 HEATING AND AIR CONDITIONING CODE ADOPTED. The Georgia State Heating and Air Conditioning Code, as published by the Georgia Department of Community Affairs, being particularly the 1985 edition thereof, together with all subsequent editions and revisions thereto, is hereby adopted as the code of the City relating to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems and the whole thereof, except the portions as are hereafter deleted, altered or amended, is incorporated herein as fully as if set out at length, and all persons related to the mechanical business shall be required to make installations in conformity with the code and the regulations contained therein, a copy of which is on file in the office of the City clerk. In the event of any conflict with the provisions of the heating and air conditioning code and the provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

Secs. 6-2-52 through 6-2-60 Reserved.

Article G – SWIMMING POOL CODE

Sec. 6-2-61 SWIMMING POOL CODE ADOPTED. The Standard Swimming Pool Code, 1988 edition, as published by the Southern Building Code Congress International, Inc., is hereby adopted in its entirety by the City and is incorporated into this code as fully as if set out at length herein. A copy of the swimming pool code shall be available for public inspection in the office of the City clerk as a public record.

Secs. 6-2-62 through 6-2-70 Reserved.

Article H – STANDARDS FOR MANUFACTURED HOMES

Sec. 6-2-71 ANSI STANDARDS ADOPTED. The standards for manufactured homes published by the American National Standards Institute are hereby adopted by the City as if fully set out herein. A copy of the adopted standards is on file in the office of the City clerk for public inspection.

Sec. 6-2-72 MANUFACTURED HOME PERMITS. No person shall move a manufactured home onto a lot within the City without first obtaining a permit from the building inspector or other person designated by the mayor and council to issue such permits. (Ord. dated 1/4/72)

Chapter 6-3 SUBDIVISIONS

ARTICLE A PREAMBLE

In pursuance of authority conferred by the Georgia General Planning and Zoning Enabling Act of 1957, Act Number 358 as amended, for the following purposes: to encourage economically sound and stable land development; to assure the provision of required streets, utilities, and other facilities and services to new land developments; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land; to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and to assure the wise development of new areas, in harmony with the elements of the city of Williamson and Pike County Comprehensive Plans; the Mayor and Council of the city of Williamson, Georgia, do ordain and enact this ordinance governing the subdivision of land.

ARTICLE B SHORT TITLE

This Resolution shall be known and may be cited as **The City of Williamson, Georgia Subdivision Regulations**, is incorporated into the Municipal Code of the City of Williamson and was previously an appendix to the Municipal Code and referred to as Ordinance **94-4**.

ARTICLE C DEFINITIONS

Except as specifically defined herein, all words used in these Regulations have their customary

dictionary definitions. For the purpose of these Regulations, certain words or terms are hereby defined.

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word “**shall**” is always mandatory.

The word “**person**” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual,

The word “**building**” includes the word “**structure**” which shall also include manufactured homes. The term “mobile home” is obsolete in these regulations. (Refer to the City of Williamson Zoning Ordinance)

The word “**used**” or “**occupied**” as applied to any land or building, shall be construed to include the words “intended, arranged, or designated to be used or occupied”.

Definitions:

Administrative Official. The City employee appointed by the Mayor and Council to administer Subdivision Regulations. This person may be a City Official, a contract person such as the Zoning Administrator, or an agent acting through an intergovernmental agreement between the City and Pike County.

Block. A parcel of land completely surrounded by streets or highways or by a combination of streets, highways, parks or railroad rights-of-way.

Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building or foundation, and the parcel line or street right-of-way line on which the parcel abuts.

Mayor and Council. The elected governing body of the City of Williamson, Georgia.

Community Facilities Plan. The section of the City of Williamson and/or Pike County Comprehensive Plan that analyzes existing community facilities and future needs for such facilities and proposes a plan for meeting these future needs.

Comprehensive Plan. A plan prepared by or for the Planning Commission which analyzes existing social and physical conditions and proposes a plan for action to meet the future needs of the community. The Plan is adopted by the Mayor and Council as the official plan of the community.

Easement. A grant by the property owner of the use of designated land for specific purposes.

Engineer. A registered Professional Engineer in good standing in the State of Georgia.

Health Department. The Pike County Health Department.

Large Scale Residential Development. A large scale development is a residential development or subdivision which, when completed as approved by the preliminary plat, consists of a number of residential houses which increases the number of such houses in the City by 15 percent or more.

Lot. A portion of land separated from other portions by description as on a subdivision plat or record of survey map or as described by metes and bounds, and intended for transfer of ownership of for building development. For the purpose of these Regulations, the term does not include any part of a dedicated right-of-way.

Lot Width. The width of the lot at the front building setback line.

Planning Commission. The local planning agency; in this case the City of Williamson Planning Commission.

Plat. A map or drawing upon which the subdivider's plan of the proposed subdivision is presented for official approval and registration.

Roadway. That portion of the street between the regularly established curb lines or that portion of a street devoted to vehicular traffic.

Street. The full right-of-way of a public thoroughfare which affords the principal means of access to abutting property. Streets may be further classified as follows:

Major Thoroughfare. A street designed and built to move traffic at high speeds over long distances; such streets are designated as major thoroughfares in the thoroughfare plan of either the City of Williamson or Pike County. All U.S. highways are major thoroughfares.

Minor Thoroughfare. A street designed and built to take traffic to and from major thoroughfares and to move traffic from one part of the county to another and designated as a minor thoroughfare in the thoroughfare plan of either the City of Williamson or Pike County. All state highways that are not also U.S. highways are minor thoroughfares unless shown on the thoroughfare plan as major thoroughfares.

Local Street. A street used primarily to serve the abutting property and not part of the City of Williamson or Pike County thoroughfare plan.

Alley. A public or private service way which provides only secondary access to the rear or side of abutting property and not intended for general traffic circulation.

Cul-de-Sac. A local Street, with only one outlet; sometimes called a dead-end street.

Marginal Access Street. A "local street" parallel and adjacent to a major or minor thoroughfare which provides access to abutting properties with protection from through traffic.

Subdivider. Any person, firm, corporation, or duly authorized agent who undertakes the Subdivision of land as defined by these Regulations.

Subdivision. Any division of a tract or parcel of land into **two** or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, building sites or building development, and includes all division of land involving a new street or change in existing streets, and includes resubdivision.

Subdivision-Minor. A subdivision of a parcel creating three or fewer lots, which does not involve the construction of a new public or private street. Because minor subdivisions do not

involve the construction of a new public or private street, they are processed administratively by the Administrative Official as final plat applications that do not require preliminary plat approval. It is the intent of this Chapter and the Mayor and Council to prohibit the practice of “chain” subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than three lots.

Note: Limitations. Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of this Chapter.

Subdivision-Major. The division of a tract or parcel of land into four or more lots which may or may not involve the construction of a new public or private street; or any subdivision that involves the construction of a new public or private street or any change to existing public or private street. Because major subdivisions may involve construction of a new public or private street or the upgrade of an existing private access to the City of Williamson standards, construction plans and land disturbance permits are required. Major subdivisions are therefore processed in multiple steps including preliminary plat approval, issuance of land disturbance permits, monitoring of development and construction progress, and final plat approval.

Thoroughfare Systems Plan. That section of the City of Williamson and/or Pike County Comprehensive Plan that analyzes the existing thoroughfares system and future needs for thoroughfares and proposes a plan for meeting these future needs.

ARTICLE D PLATTING, JURISDICTION, ENFORCEMENT

Sections:

- 6-3-1 Platting Authority
- 6-3-2 Use of Plat
- 6-3-3 Opening and Improving Public Streets
- 6-3-4 Erection of Buildings

Sec. 6-3-1. PLATTING AUTHORITY. From and after the passage of these regulations the Planning Commission shall be the official platting authority of the City of Williamson. No plat of subdivision recorded in the Clerk’s Office, Pike County Superior Court, shall be termed a legal subdivision unless it shall have the approval of the City of Williamson inscribed thereon.

Sec. 6-3-2. USE OF PLAT. The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given Final Approval by the Planning Commission and recorded in the Office of the Clerk of the Superior Court of Pike county is prohibited, and the description by metes and bounds in the instrument of transfer of other document shall not exempt the transaction from such penalties.

Sec. 6-3-3. OPENING AND IMPROVING PUBLIC STREETS. The governing authority of the City shall not accept, layout, open, improve, grade, pave, or light any street or lay any utility lines in any street, which had not attained the status of a public street prior to the

effective date of these Regulations, unless such street corresponds to the street location shown on an approved subdivision plat on an official street map adopted by the Planning Commission; provided that the governing authority may accept, layout, open, and improve any street not so platted if it first submits such proposed action to the Planning Commission for its review and comment.

Sec. 6-3-4. ERECTION OF BUILDINGS. No building shall be erected on any lot in the City of Williamson unless the street giving access thereto has been accepted or opened as a public street in accordance with these Regulations, or unless such street has attained the status of a public street prior to the effective date of these Regulations or unless such street has been accepted by the Mayor and Council, as governing body of the City of Williamson.

ARTICLE E PREAPPLICATION REVIEW

Whenever the subdivision of a tract of land within the City of Williamson, Georgia, is proposed, the subdivider shall consult early and informally with the Administrative Official, or other person or persons designated by the Planning Commission and the Pike County Health Department before making formal application to the Planning Commission. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout, and development of the subdivision. No fee shall be charged and no formal application shall be required. The Administrative Official shall review the proposed subdivision with the Planning Commission as soon as possible, but not later than the next meeting of the Planning Commission. After said review, the Administrative Official shall make an immediate determination whether a subdivision preplanning conference or application would be required under these Regulations. If required, then the Administrative Official shall proceed to review the proposed subdivision with the Planning Commission and to arrange for a formal application. If such preplanning conference is not required, then the Administrative Official shall issue written determination to that effect, filing the preliminary Plat for record in his files, and making no charge for his Administrative Determination.

ARTICLE F PRELIMINARY PLAT PROCEDURE

Sections:

- 6-3-5 Application For Preliminary Plat Approval
- 6-3-6 Review Of Preliminary Plat

Sec. 6-3-5. APPLICATION FOR PRELIMINARY PLAT APPROVAL. Prior to submitting any subdivision plat to the Planning Commission for real property that abuts upon a State Highway, the property owner shall first submit three copies of the plat of the proposed property to the Department of Transportation's District Office in Thomaston, Georgia for Department of Transportation approval. No Subdivision plat of property abutting upon a State highway shall be approved until Department of Transportation approval has been secured. Following the pre-application review of a proposed subdivision, the subdivider shall submit to the Administrative Officer, at least fifteen (15) days prior to the next regular meeting of the Planning Commission, the following:

1. A letter requesting review and approval of the preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the Preliminary Plat shall be sent;
2. Four (4) copies of the Preliminary Plat;
3. A statement from the Pike County Health Department approving the proposed water supply and sewage disposal systems;
4. A Preliminary Plat Filing Fee as set by the Mayor and Council. The aforementioned fee is non-returnable.

Sec. 6-3-6. REVIEW OF PRELIMINARY PLAT. The Administrative Official or other person and persons designated by the Planning Commission or the Mayor and Council, shall check the plat for conformance to these Regulations, confer with the subdivider as necessary, and report his findings and recommendations as well as those of other City officials to the Planning Commission. The Planning Commission shall hold a hearing on the Preliminary Plat, notice of time and place of which shall be sent by the City Clerk by registered or certified mail to the person designated in the letter requesting Preliminary Plat review and approval not less than seven (7) days prior to the date of the hearing.

The Planning Commission shall give tentative approval or disapproval of the Preliminary Plat. A notation of the action shall be made on two copies of the Preliminary Plat. One copy shall be returned to the subdivider or his agent and one copy shall be added to the records of the Planning Commission. In the case of disapproval, a statement of the reasons for such disapproval shall accompany these copies.

If approved by the Planning Commission, a copy of the Preliminary Plat shall be forwarded to the Mayor and Council for review. Any comments or recommendations by the Mayor and Council shall be returned to the Planning Commission for appropriate action in conference with the developer.

Approval of the Preliminary Plat does not constitute approval of a Final Plat. It indicates only approval of the layout as a guide to the preparation of the Final Plat. The subdivider may begin installing improvements at this time, under the supervision of the Administrative Official, and subject to final approval by the Planning Commission. Tentative approval shall expire and be null and void after a period of one (1) year unless an extension of time is approved by the Planning Commission.

If action on a Preliminary Plat is not taken by the Planning Commission within thirty (30) days of the date of submittal, the Preliminary Plat shall be considered approved and a certificate of approval shall be issued on demand. The applicant for approval may waive this requirement and consent to an extension of time.

ARTICLE G PRELIMINARY PLAT SPECIFICATIONS

Sections:

6-3-7 Scale

6-3-8 Sheet Size

6-3-9 Information To Be Provided On The Preliminary Plat

6-3-10 Certificate Of Tentative Approval

Sec. 6-3-7. SCALE. The Preliminary Plat shall be clearly and legibly drawn at a scale not smaller than 100 feet equals one inch.

Sec. 6-3-8. SHEET SIZE. Extremely large subdivisions may be shown on more than one sheet, provided an index map showing the street and lot patterns is also furnished on a separate sheet of the same size.

Sec. 6-3-9. INFORMATION TO BE PROVIDED ON THE PRELIMINARY PLAT. The Preliminary Plat shall contain the following information:

1. Name and address of owner of record and of subdivider;
2. Name of designer of plat who shall be an engineer or surveyor registered in Georgia;
3. Proposed name of subdivision and its acreage;
4. North point, graphic scale, and date;
5. Vicinity map showing location, acreage of the subdivision, and existing streets in the vicinity giving enough information to accurately locate subdivision on county maps;
6. Exact boundary lines of the tract by bearings and distances;
7. Names of owners of record of adjoining land;
8. The location, width, and other dimensions of all existing and platted streets and other important features such as railroad lines, water courses, and exceptional topography within and contiguous to the tract to be Subdivided;
9. Existing streets, sanitary sewers, storm drains, culverts, and easements within the tract and on property adjacent to that land to be subdivided;
10. The location, width and other dimensions of proposed streets (including street names). alleys, easements, parks and other open spaces, and lots;
11. Use designation and existing zoning classification of all lots in the subdivision;
12. All parcels of land intended for public use or reserved;
13. Block numbers and lot numbers;
14. Method and standards to be used for providing water, sewerage, and drainage facilities to each proposed lot;
15. Minimum building front yard setback lines;
16. The profile of each proposed street with tentative grades indicated;
17. The cross section of proposed streets showing width of roadways and location of sidewalks;

18. The plans and profiles of proposed sanitary and storm-water sewers with grades and sizes indicated;
19. Except as otherwise specified or excepted by the Planning Commission, contour lines drawn with an interval of not more than five feet, or where the ground shape is irregular, or the site has a slight slope, contour lines with an interval of not more than two feet, with all elevations based on a datum plane approved by the Administrative Official.

Sec. 6-3-10. CERTIFICATE OF TENTATIVE APPROVAL. A Certificate of Tentative Approval of the Preliminary Plat by the Planning Commission shall be inscribed on the plat as follows:

Pursuant to the City of Williamson Subdivision Regulations, all the requirements of Tentative Approval having been fulfilled, this Preliminary Plat was given Tentative Approval by the City of Williamson Planning Commission on _____, 20__.

Date: _____ City Clerk: _____

This Tentative Approval does not constitute approval of a Final Plat. This certificate of Tentative Approval shall expire and be null and void on _____, 20__.

Date: _____ City Clerk: _____

ARTICLE H FINAL PLAT PROCEDURE

Sections:

- 6-3-11 Application for Final Plat Approval
- 6-3-12 Review of Final Plat
- 6-3-13 Acceptance of Dedication
- 6-3-14 Recording of the Final Plat

Sec. 6-3-11. APPLICATION FOR FINAL PLAT APPROVAL. After the Preliminary Plat of a proposed subdivision has been given Tentative Approval by the Planning Commission the subdivider may, within one year of preliminary approval, submit the following to the Planning Commission:

1. A letter requesting review and approval of a Final Plat and giving the name and address of the person to whom the notice of the hearing by the Planning Commission on the Final Plat shall be sent;
2. Five (5) copies of the Final Plat;
3. A statement from the Pike County Health Department approving the water supply and sewage disposal systems, as installed;
4. A statement from the City Clerk that all improvements have been made as required by this Ordinance or that an adequate bond has been posted to cover the cost of the unfinished improvements as provided in Article XIV;
5. The required recording fee for each sheet to be recorded.

Sec. 6-3-12. REVIEW OF FINAL PLAT. The Administrative Official or other person or persons designated by the Planning Commission, shall check the Final Plat for conformance with the tentatively approved Preliminary Plat, and with the requirements of these Regulations and report his findings and recommendations to the Planning Commission. The Planning Commission shall hold a hearing on the Final Plat. Notice of the hearing shall be sent by registered or certified mail to the person designated in the letter requesting Final Plat review and approval not less than five (5) days before the date of the hearing.

After the hearing, the Planning Commission shall approve or disapprove the Final Plat. A notation of the action shall be made on the original tracing and two of the prints. If the Final Plat is disapproved, a statement of the reasons for such disapproval shall accompany the same original and print. If action on a Final Plat is not taken within thirty (30) days of the date of the submittal, the Final Plat shall be considered approved and a certificate of approval shall be issued on demand. The applicant for approval may waive this requirement and consent to an extension of time.

Sec. 6-3-13. ACCEPTANCE OF DEDICATION. After approval of the Final Plat by the Planning Commission, and before recording the plat, the Final Plat shall be forwarded to the Mayor and Council for review and acceptance of the dedication of all public lands and rights-of-way shown thereon. If land is proposed to be disposed of to another public agency, a similar procedure shall be followed.

Sec. 6-3-14. RECORDING OF THE FINAL PLAT. Upon approval of a Final Plat by the Planning Commission, and after action by the appropriate public authority or agency, the City Clerk shall have the Final Plat recorded in the Office of the Clerk of the Superior Court of Pike County. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the Final Plat, as provided in the preceding section.

Upon recording of the approved Final Plat, the original tracing, or a reproducible linen print, or with the approval of the Planning Commission some other high quality reproducible print, of the Final Plat with all certificates endorsed thereon shall be provided by the subdivider for the records of the Planning Commission.

ARTICLE I FINAL PLAT SPECIFICATIONS

Sections:

6-3-15 Final Plat Specifications

Sec. 6-3-15. FINAL PLAT SPECIFICATIONS. The Final Plat shall conform to and meet the specifications of the Preliminary Plat, with the following additions:
The final Plat shall be clearly and legibly drawn in permanent ink on tracing cloth or other high quality reproducible material. Sheet sizes shall be as required by the superior Court of Pike County, and where more than one sheet is required an index map shall be required on the

same size sheet. The Final Plat shall show the following:

1. Direction and distance from points of reference to points on the boundary of the subdivision and other additional data that may be required to relocate the boundary points from the points of reference. All points of reference shall be monumented positions which can be relocated by reference to maps, plats, or other documents on public record;
2. Municipal, county, and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision;
3. Exact boundary lines of the tract, determined by a field survey, giving distance to the nearest one-tenth foot and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one to five thousand;
4. Name of subdivision and exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat;
5. Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents;
6. Lot lines, with dimensions to the nearest one-tenth foot, and bearings;
7. Lots numbered in numerical order and blocks lettered alphabetically;
8. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use;
9. Accurate location, material, and description of monuments and markers;
10. A statement, either directly on the plat or in an identified attached document, of any private covenants;
11. All lots shall be numbered or lettered and all streets should bear tentative names;
12. North point, graphic scale, and date;
13. The following certifications:

(a) An Engineer's or Surveyor's Certification directly on the plat, as follows:

"It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type, and material are correctly shown, and that all engineering requirements of the City of Williamson Subdivision Regulations have been fully complied with."

By: _____ Registered Georgia Civil Engineer No. _____

----or----

By: _____ Registered Georgia Land surveyor No. _____

(b) An Owner's Certification, directly on the plat, as follows:

Owner's Certification

State of Georgia, County of Pike

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, and that all state and county taxes or other assessments now due on this land have been paid.

Owner _____ Date _____

Agent _____ Date _____

- (c) A Dedication Certification, directly on the plat, similar to the following, to the proper public authority or agency:

Dedication Certification

State of Georgia, County of Pike

It is hereby certified that the lands and improvements shown on this plat and designated as being "dedicated to public use" are hereby dedicated to the City of Williamson, Georgia, for public use.

Owner _____ Date _____

- (d) Copy of Official Action of Governing Body. A copy of the resolution adopted by the City of Williamson, Georgia accepting the streets, improvements, easements, and other property dedicated by the owner for public use, as indicated on the Final Plat, shall be attached to the Final Plat before recording.

- (e) A Certificate of Approval of the Final Plat by the Planning Commission, directly on the plat, as follows:

Pursuant to the City of Williamson Subdivision Regulations, all the requirements for approval having been fulfilled, this Final Plat was given

Final Approval by City of Williamson Planning Commission on

Date: _____, 20____

City Clerk _____ Date _____,
20____

ARTICLE J GENERAL DESIGN REQUIREMENTS

Sections:

- 6-3-16 Suitability of Land
- 6-3-17 Name of the Subdivision
- 6-3-18 Access
- 6-3-19 Conformance to Adopted Thoroughfares and Other Plans
- 6-3-20 Large Scale Developments

Sec. 6-3-16. SUITABILITY OF LAND. Land subject to flooding, improper drainage, or erosion, or that is for topographical or other reasons unsuitable for residential use, shall not be platted for residential use or any other use that will continue or increase the danger to health, safety, or property, unless the hazards can be and are corrected.

Sec. 6-3-17. NAME OF THE SUBDIVISION. The name of the subdivision must have the approval of the Planning Commission. The name shall not duplicate nor closely approximate the name of an existing subdivision in the City of Williamson. A proposed subdivision name shall not duplicate the name of another subdivision unless such property is contiguous to the subdivision bearing the proposed name and with the same or more restrictive zoning, and covenants and restrictions as the subdivision previously bearing such name. In addition to meeting the above criteria, the sharing of a subdivision name must be approved by the planning commission. Whenever a new subdivision is permitted by the planning commission to share the name of a previously approved subdivision, such name shall be followed by the appropriate Roman Numerals (e.g., II). Any subsequent subdivisions approved by the planning commission under these provisions shall be numbered in sequence with Roman Numerals.**Sec.**

6-3-18. ACCESS. Access to every subdivision shall be provided over a public street. A new subdivision may not be accessed through an existing subdivision unless it is an additional phase of the existing subdivision with the same or more restrictive zoning, and covenants and restrictions as the subdivision previously bearing such name. The new subdivision name shall be subject to section 6-3-17 above.

Sec. 6-3-19. CONFORMANCE TO ADOPTED THOROUGHFARES AND OTHER PLANS.

All streets and other features of the Thoroughfare Plan of the City of Williamson and/or Pike County, Georgia, shall be platted by the subdivider in the location and to the dimensions indicated in the Thoroughfare Plan adopted by the Planning Commission.

When features of other plans adopted by the Planning Commission (such as schools or other public building sites, parks, rights-of-way, or other land for public uses) are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

Whenever a plat proposes the dedication of land to a public use that the Planning Commission finds not required or not suitable for public use, the Planning Commission shall refuse to approve the plat, and shall notify the Mayor and Council of the reasons for such action.

Sec. 6-3-20. LARGE SCALE DEVELOPMENTS. The requirements of these Regulations may be modified by the Planning Commission in the case of a large scale planned community or large scale residential development having a long range plan of development, which in the judgment of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will

assure conformity to and achievement of the Plan, and provide such plan of development is in conformity with the purposes and intent of these Regulations and meets the appropriate requirements of the City of Williamson Zoning Resolution.

ARTICLE K GENERAL REQUIREMENTS FOR STREETS AND OTHER RIGHTS-OF-WAY

Sections:

6-3-21 Continuation Of Existing Streets

6-3-22 Street Names

6-3-23 Street Jogs

6-3-24 Cul-De-Sacs

6-3-25 Development along Thoroughfares, Limited Access Highways, or Railroad Rights-Of-Way

6-3-26 Alleys

6-3-27 Reserve-Strips

6-3-28 Easements

6-3-29 Drainage Right-Of-Way

Sec. 6-3-21. CONTINUATION OF EXISTING STREETS. Existing streets shall be continued at the same or greater width, but in no case less than the required width given in Article XII.

Sec. 6-3-22. STREET NAMES. Street names shall require the approval of the Planning Commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

Sec. 6-3-23. STREET JOGS. Street jogs with center-line offsets of less than 125 feet shall not be permitted.

Sec. 6-3-24. CUL-DE-SACS. Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs or dead-end streets shall not be greater in length than 800 feet. They shall be provided at the closed end with a turn-around having a property line radius of at least 60 feet with an outside pavement radius of at least 45 feet.

Sec. 6-3-25. DEVELOPMENT ALONG THOROUGHFARES, LIMITED ACCESS HIGHWAYS, OR RAILROAD RIGHTS-OF-WAY. Where a subdivision abuts or contains a thoroughfare, a limited access highway, or a rail-road right-of-way, the Planning Commission shall require a street approximately parallel to and on each side of such right-of-way either as a marginal access street, or at a distance suitable for an appropriate use of the intervening land, with a no access reservation suitably planted.

Sec. 6-3-26. ALLEYS. Alleys may be required at the rear of all lots to be used for multi-family, commercial, or industrial developments. Alleys shall not be provided in one or two family residential developments unless the subdivider provides evidence satisfactory to the Planning Commission of the need for alleys.

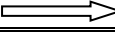
Sec. 6-3-27. RESERVE-STRIPS. Reserve strips controlling access to streets, alleys, and public grounds shall not be permitted unless their control is placed in the hands of the Mayor and Council, under conditions approved by said governing body.

Sec. 6-3-28. EASMENTS. Easements having a minimum width of 15 feet, and wherever possible located along the side or rear lot lines, shall be provided as required for utility lines, underground mains, and cables.

Sec. 6-3-29. DRAINAGE RIGHT-OF-WAY. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm-water or drainage right-of-way of adequate width. In such cases, parallel streets may be required by the Planning Commission.

ARTICLE L STREET DESIGN REQUIREMENTS

Except as otherwise specified by the Planning Commission, all streets shall meet the following design requirements:

TYPE OF STREET 	Major Thoroughfare	Minor Thoroughfare	Local	Alley
Right of Way	100 Feet *	80 Feet *	60 Feet	24 Feet
Pavement Width	48 Feet *	48 Feet *	30 Feet	20 Feet
Maximum Street Grade	9%	12%	15%	15%
Minimum Street Grade	0.5%	0.5%	0.5%	0.5%
Minimum Radius of Centerline Curvature Horiz. Curves	800 Feet	300 Feet	200 Feet	100 Feet
Minimum Length of Tangent Between Reverse Curves	200 Feet	100 Feet	None	None
Minimum Sight Distance on Vert. Curves at 4.5 feet AGL	500 Feet	200 Feet	None	None
All street intersections shall be as nearly at right angles as possible. No street intersection shall be at an angle of less than 60 degrees, unless required by unusual circumstances and approved by the Planning Commission				
Curb-Line Radius at Street Intersection	25 Feet	15 Feet	15 Feet	15 Feet
* Or as Shown in the Thoroughfare Plan				

ARTICLE M DESIGN STANDARDS FOR BLOCKS AND LOTS

Sections:

6-3-30 Block Lengths and Widths

6-3-31 Lot Sizes

6-3-32 Lot Lines

6-3-33 Front Yard Setbacks

6-3-34 Lots Abutting Public Streets

6-3-35 Double and Reverse Frontage Lots

Sec. 6-3-30. BLOCK LENGTHS AND WIDTHS. Block lengths and widths shall be as follows:

Blocks shall be not greater than 1800 feet nor less than 600 feet in length, except in unusual circumstances.

Blocks shall be wide enough to provide two tiers of lots of minimum depth, except where

abutting on major streets, limited access highways, railroads, or where other situations make this requirement impractical.

Sec. 6-3-31. LOT SIZES. Lot sizes shall meet the requirements of the City of Williamson Zoning Resolution.

In any case where individual sewage disposal systems or water supply system are used, the County Sanitation Officer shall prescribe minimum lot sizes in excess of the above provisions.

Sec. 6-3-32. LOT LINES. All lot lines shall be perpendicular or radial to street lines, unless not practicable because of topographic or other features.

Sec. 6-3-33. FRONT YARD SETBACKS. Front yard setbacks shall be as required in the city of Williamson Zoning Ordinance.

Sec. 6-3-34. LOTS ABUTTING PUBLIC STREETS. Each lot shall abut upon a dedicated public street.

Sec. 6-3-35. DOUBLE AND REVERSE FRONTAGE LOTS. Double and reverse frontage lots should be avoided except where essential to provide separation of residential development from major thoroughfares, arterial and collector streets, or to overcome specific disadvantages of topography or orientation. A planting screen easement of at least five (5) feet and across which there shall be no right of access shall be provided along the line of lots abutting such major thoroughfares, arterial and collector streets, or other incompatible use.

ARTICLE N REQUIRED IMPROVEMENTS

Sections:

6-3-36 Street Improvements

6-3-37 Improvements Bond

Sec. 6-3-36. STREET IMPROVEMENTS. Every subdivider shall be required to have installed by the county at his own expense, or with the approval of the City of Williamson, to install the following street improvements and utilities:

- (a) Street paving and curbs and gutters, provided that in the case of a major thoroughfare the subdivider shall only be responsible to install local street improvements or to pay the cost that would be incurred in the construction of a minor thoroughfare;
- (b) Sanitary sewer lines and manholes, provided that if the required sewer lines cannot be connected to a trunkline sewer at the time of the development of the subdivision, septic tanks shall be installed by and at the expense of the subdivider or lot purchaser for interim use, in conformity with the requirements of the Pike County Health Department. No part of an individual sewage disposal system shall be within 100 feet of a well or 10 feet of an adjoining property line. Where individual sewage disposal systems are proposed to be used, the County Sanitation Officer may require percolation tests to be performed. The subdivider may be required by the Planning Commission to install any sewer lines which may be

needed in the future before the street is paved in order to avoid future destruction of the pavement;

- (c) Storm drainage facilities;
- (d) Concrete monuments and markers;
- (e) Water mains within the subdivision with connections to each lot, whenever a public or community water supply is available;
- (f) Street name signs subject to approval of the Mayor and Council.
- (g) All required street improvements, utilities, and monuments shall be designed, graded, and built to standards specified by the Mayor and Council. All utilities installed in the streets shall be placed and compacted prior to paving.

Sec. 6-3-37. IMPROVEMENTS PERFORMANCE BOND. The Planning Commission may allow the subdivider to post a bond in lieu of completion of all the improvements as required by this Article. The bond shall be made payable to the City of Williamson and shall be of an amount sufficient to assure completion of all required improvements. The bond shall be approved and held by the City of Williamson until all improvements have satisfactorily been completed or until a specified reasonable length of time for completion has passed after which the bond may be cashed and the improvements installed by the City of Williamson. Reference: Section 4-2-4 of this municipal code and O.C.G.A. § 32-4-119.

ARTICLE O LEGAL STATUS PROVISIONS

Sections:

- 6-3-38 Conflict with Other Regulations
- 6-3-39 Validity
- 6-3-40 Repeal of Conflicting Resolutions
- 6-3-41 Effective Date

Sec. 6-3-38. CONFLICT WITH OTHER REGULATIONS. Whenever the requirements of these Regulations require or impose more restrictive standards than are required in or under any other statute or Resolution, the requirements of these Regulations shall govern. Whenever the provisions of any other statute or Resolution require more restrictive standards than are required by these Regulations, the provisions of such statute or Resolution shall govern.

Sec. 6-3-39. VALIDITY. Should any section or provision of these Regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of these Regulations as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 6-3-40. REPEAL OF CONFLICTING RESOLUTIONS. All Resolutions and parts of Resolutions in conflict herewith are repealed.

Sec. 6-3-41. EFFECTIVE DATE. These Regulations shall take effect and be in force after the

date of its adoption, the public welfare demanding it.

Chapter 6-4 SIGN ORDINANCE

Articles:

- A General Provisions
- B Procedures
- C Miscellaneous Regulations
- D Compliance, Penalties, Additional Fees, Separability

Article A GENERAL PROVISIONS

Sections:

- 6-4-1 Purpose and Findings
- 6-4-2 Preamble
- 6-4-3 Short Title
- 6-4-4 Administration
- 6-4-5 Definitions

Sec. 6-4-1 PURPOSE AND FINDINGS

(a) Purpose. This Article was enacted with the following purposes:

1. To protect the rights of individuals and businesses to convey their messages through signs; and
2. To encourage the effective use of signs as a means of communication; and
3. To promote economic development; and
4. To improve traffic and pedestrian safety as it may be affected by distracting signs; and
5. To prevent the destruction of the natural beauty and environment of the City; and
6. To protect the public health, safety, and general welfare; and
7. Promote signs which are compatible with their surroundings; and
8. Enhance the economy and the business of The City of Williamson by promoting the reasonable, orderly, and effective display of signs; and
9. Restrict signs and lights which increase clutter or which increase the probability of traffic accidents by obstructing vision; and
10. To restrict the continued existence of abandoned or non-conforming signs unless in compliance with the terms of this Article and to eliminate, over time, all non-conforming signs; and

11. Protect the property values by preserving the aesthetic qualities of the unique natural environment that distinguishes the city. The preservation of such environment from excessive and obtrusive signs is a matter of critical importance to the city; and
12. To insure the protection of free speech rights under the state and United States Constitutions within the city; and
13. To ensure the fair and consistent enforcement of sign standards; and
14. To make it easier, quicker, and more economically efficient to apply for a sign permit.

(b) Findings.

1. The City finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
2. The City further finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the City's citizens.
3. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The Mayor and Council of the City of Williamson find that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.
- 4 . The City further finds that some signage has a single targeted function and that

identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this chapter are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sec. 6-4-2 PREAMBLE.

WHEREAS, the Mayor and Council of the City of Williamson, Georgia, in the course and scope of the exercise of the police power of the City of Williamson, deemed that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities, in the City of Williamson without difficulty and confusion, to improve the general attractiveness of the City, to take advantage of the beauty of the City's natural environment, and to protect property values therein, accordingly, the Mayor and City Council of the City of Williamson established regulations governing the display of signs which consider the listed findings and support the listed purposes.

The following Ordinance has been adopted as the least burdensome regulation that supports the findings and will carry out the purposes stated above.

Sec. 6-4-3: SHORT TITLE. This Ordinance shall hereafter be known and cited as “The City of Williamson Sign Ordinance”

Sec. 6-4-4 ADMINISTRATION. This Ordinance shall be administered by the Mayor and City Council of the City of Williamson.

Cross Reference: Williamson Zoning Ordinance CDS OVERLAY DISTRICT – COMMERCIAL DESIGN STANDARDS

Sec. 6-4-5. DEFINITIONS. Words and phrases used in Chapter 6-4 of the Municipal Code, shall have the meanings as set forth in this section. Words and phrases not defined in this section, but defined in the Municipal Code or the Zoning Ordinance of the City of Williamson, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of these chapters. For the purposes of these chapters, certain terms and words are hereby defined. Words used in the present tense shall include the future, the word "shall" is mandatory, the word "person" includes a firm, organization, partnership, trust or corporation, and the word "city" shall mean the City of Williamson, Georgia.

- (a) **City Clerk**. The Clerk of the City of Williamson, Georgia.
- (b) **Grade**. For the purpose of measuring sign height, grade shall be ground level at a sign's proposed location unless such ground level is lower than the centerline of the adjoining street; in which case, height shall be measured from the centerline elevation of the adjoining street.
- (c) **Ground Sign (Billboard)**. Any sign supported by uprights or braces placed upon the ground and not attached to any building and which advertises a business, etc., not conducted at the same location of said sign and designated as "Off-Premise Outdoor Advertising Display Sign".
- (d) **Illuminated Sign**. Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as part of the sign proper.
- (e) **Illuminated sign, External**. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.
- (f) **Illuminated sign, Internal**. A sign illuminated by an internal light source.
- (g) **Mayor and Council**. The Mayor and City Council of the City of Williamson, Georgia.
- (h) **Moving sign**. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.
- (i) **Off-Premise Outdoor Advertising Display Signs**:
 1. Any sign identifying a use, facility or service which is not located on the premises.
 2. Any sign identifying a product which is not produced, sold or manufactured on the premises.
 3. Any sign which advertises or otherwise directs attention to a product, service or activity, event, person, institution or business which may or may not be identified by a brand name and which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.
- (j) **Portable Signs**. Any sign that is designed to be transported, including those signs designed to be transported which may have been modified by, but not limited to the following methods:
 1. With wheels removed;
 2. With chassis or support constructed without wheels;
 3. Designed to be transported by trailer or wheels;
 4. Converted to an A or T frame sign;
 5. Attached temporarily or permanently to the ground, structure, or other signs; and
- (k) **Sign**. Includes every sign, billboard, poster panel, free-standing ground sign, roof sign, wall sign, projecting sign, pylon sign, temporary sign, illuminated sign, sign painted on or

attached to a wall, window, marquee, sandwich board or menu sign, street clock, awning or canopy and includes any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public traveling in vehicles or on foot along a public street or right-of-way. This definition includes those displays on doors and windows as well as those which are visible through doors and windows. However, this definition does not include displays on private property not readily visible from a public street or right-of-way.

- (l) **Social Events**. A grand opening, anniversary, revival, holiday or similar occurrence.
- (m) **Temporary Sign**. A sign that is permitted for one (1) year or less, regardless of the number of renewal periods provided for.
- (n) **Zoning Administrator**. The person, officer or official whom the Mayor and City Council has so designated.

Article B PROCEDURES

Sections:

- 6-4-6 Procedures, Issuance of Permits, and Filing
- 6-4-7 Inspection

Sec. 6-4-6 PROCEDURES, ISSUANCE OF PERMITS, AND FILING.

- (a) **Issuance of Permits**: No sign, except those listed in Section 6-4-28, shall be erected, hung, placed or structurally altered without a permit.
 1. Failure to obtain a permit prior to placing or erecting a sign shall, assuming the sign is permissible, result in an increased fee.
 2. The City Clerk or Zoning Administrator shall only issue a permit for the erection or construction of the sign which meets the requirements of this Ordinance.
 3. The fees for all permits shall be set by the Mayor and City Council and a schedule of fees shall be kept for public inspection by the Clerk of the City of Williamson.
 4. No business owner or operator shall have a sign affixed to such sign structure, unless and until, such owner or operator shall have paid the initial fee, any renewal fee, is current on payment of all business license fees, occupation tax, and any other tax or fees owed to the city, and completed an application for affixation of such sign upon forms provided by the City Clerk.
- (b) **Filing Procedure, Application for Permit**: Any application for a sign permit shall be submitted to the Williamson City Clerk or their designee on a sign permit application supplied by the city. The following information shall be submitted with an application for a sign permit:

1. Name, address, telephone number, Williamson City occupational tax number and signature of the owner or duly authorized lessee of the premises granting permission for the construction, operation, maintenance, or displaying of the sign or sign structure;
2. If a contractor is used: Name, address, telephone number, city occupational tax number if applicable and signature of sign contractor;
3. Legal description and/or street address of premises or property upon which the sign is to be located;
4. The approximate value of the sign to be installed, including the installation cost;
5. Type of sign for which a permit is being sought;
6. A scaled drawing showing the front and side elevations of the sign as proposed;
7. Any freestanding sign exceeding fifteen (15) square feet of sign area shall comply with the requirements outlined in the Standard Building Code as applicable.
8. For free standing signs, a survey showing property lines, proposed sign location, a landscaping and lighting plan or a written statement stating there will be none and any existing site improvements.
9. For facade signs, a scaled drawing showing the entire facade or tenant space facade, the proposed sign location, and any existing facade signs.
10. Proof of liability insurance in the minimum amount of one hundred thousand dollars (\$1,000,000); and
11. Such other information as the city may require which is necessary to verify full compliance with all applicable provisions of this chapter.

(c) Fees.

1. A non-refundable application fee, as described by the schedule of fees adopted by the Mayor and Council, shall be paid at the time of application submission.
2. An additional fee as described shall be imposed for each sign or sign structure which was installed prior to receiving approval. This fee shall be in addition to any penalties described in this ordinance.
3. Addition engineering fees may be required if the design features necessitate engineering review.

(d) Issuance of permit.

1. Upon compliance with the provisions of this article, the City Clerk or their designee shall make a decision to issue, deny or issue with conditions a permit for such sign within fifteen (15) days of receipt of a complete permit application.

(e) Expiration of permit.

1. A sign permit shall be valid for an initial period of ninety (90) days from the date of its

issuance as noted on the permit. Failure to notify the City Clerk or their designee that the sign and all items required by the permit have been completed within such ninety-day period shall result in the expiration of such permit and a new sign permit application must be submitted with the appropriate application fee.

Sec. 6-4-7 INSPECTION.

A representative of the City of Williamson or the Pike County Planning and Zoning Department or Code Enforcement shall inspect each sign or other advertising structure regulated by this Ordinance from time to time for the purpose of ascertaining whether such structure is safe and lawful. If a sign is deemed to be in need of repair, the owner shall have fourteen (14) days upon receipt of written notice from the Clerk of the City of Williamson, in which to repair or remove such sign. Missing letters from a raised letter or changeable copy sign, peeling paint of a painted sign, etc. shall constitute a need for repair.

Article C REGULATION

Sections:

- 6-4-8 Unsafe and Unlawful Signs
- 6-4-9 Removal of Certain Signs
- 6-4-10 Obstructions To Doors Windows Or Fire Escape
- 6-4-11 Signs Not To Constitute Traffic Hazard
- 6-4-12 Face Of Sign Shall Be Free Of Protrusions
- 6-4-13 Obscene Matter
- 6-4-14 Locations Allowed
- 6-4-15 Lawful Messages
- 6-4-16 Free Standing Signs
- 6-4-17 Wall Signs
- 6-4-18 Banners, Pennants, Search Lights, Etc
- 6-4-19 Signs Advertising Shopping Centers, Etc
- 6-4-20 Grouped Civic/Religious Insignia – Signs
- 6-4-21 Home Occupation Signs
- 6-4-22 Point Of Entry Signs
- 6-4-23 Temporary Signs
- 6-4-24 Political Signs
- 6-4-25 Sandwich Board Signs
- 6-4-26 Petroleum Station Signs
- 6-4-27 Prohibited Signs
- 6-4-28 Signs Exempt From Permit Requirements

Sec. 6-4-8 UNSAFE AND UNLAWFUL SIGNS

Notice of a violation of this Ordinance shall be by telephone, personal contact, or by mail. If

within three (3) days of such notice, the violation has not been corrected, notice of a violation shall be made by certified mail. If the violation has not been corrected within seven (7) days of receipt of the certified letter, action will be pursued in the Court of appropriate jurisdiction. Each day that a violation continues beyond seven (7) days from receipt of a certified letter may constitute a separate offense. Signs located in a City, County, or State right-of-way may be removed by City, County or State officials at any time. Signs so removed by City employees or their agents will be deposited at the City Hall for the owners to claim for a fee of \$25.00 per sign.

Sec. 6-4-9 REMOVAL OF CERTAIN SIGNS.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found. The Mayor and City Council hereby authorize the City Clerk and/or Zoning Administrator to cause removal of such sign and any expense incident thereto shall be paid by the owner of the sign or the owner of the property on which the sign is located.

Sec. 6-4-10 OBSTRUCTIONS TO DOORS WINDOWS OR FIRE ESCAPE.

No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape.

Sec. 6-4-11 SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD. No sign nor part thereof, except authorized traffic signs, shall be located in any State, County or City right-of-way nor shall any sign obstruct the visibility required at all street and driveway intersections.

Sec. 6-4-12 FACE OF SIGN SHALL BE FREE OF PROTRUSIONS. No sign or other advertising structure within five (5) feet of street right-of-ways shall be constructed so as to have nails, tacks, or wires protruding therefrom.

Sec. 6-4-13 OBSCENE MATTER. No sign or other advertising structure that is obscene or indecent or that contains immoral matters as a part of the sign, structure, message advertised, the intent of the advertisement, etc. shall be allowed.

Sec. 6-4-14 LOCATIONS ALLOWED. Except as otherwise provided in this ordinance, no sign, awning, canopy nor any other means of identification or advertisement regulated by this Ordinance shall be allowed except in the Professional Institutional (P-1), Neighborhood Commercial (C-1), General Commercial (C-2), Heavy Commercial (C-3), Manufacturing Light (M-1), and Manufacturing Heavy (M-2), zoning Districts, as defined by the zoning laws of the City of Williamson. Parcels which are zoned P-1, C-1, C-2, C-3, M-1, and M-2 by the City of Williamson Zoning Ordinance shall be limited to either a free-standing sign, shopping center (multiple business) sign, or point of entry sign as specified herein. The Mayor and City Council may authorize one additional free standing or shopping center (multiple business) sign when a business or a shopping center is located on an interior lot with two road

frontages.

Sec. 6-4-15 LAWFUL MESSAGES. Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful message which complies with design, location, construction, size, lighting, and spacing requirements of this ordinance.

Sec. 6-4-16 FREE STANDING SIGNS.

- (a) Definition. Free standing signs as regulated by this Ordinance shall include any sign mounted on upright supports or as a monument sign as an on-site identification business sign for an individual lot with a single-tenant.
- (b) Construction. Free Standing Signs preferably shall be of the monument type. All letters, figures, characters, or representation in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
 - 1. The maximum height of any free-standing sign above the average grade elevation of the nearest public way or within a twenty-foot radius of the sign shall not exceed six (6) feet.
 - 2. The bottom edge of the sign shall not exceed three (3) feet in height from the lowest grade elevation at the base of the sign.
 - 3. The area of the sign structure for any free standing sign shall not exceed the area of the sign face by more than one hundred (100) percent.
- (c) Size Limitation. Free standing signs shall not exceed six feet (6) in height as measured from grade. The total combined surface area of all free standing signs on a parcel shall be no greater than forty (40) square feet. Area calculation of sign shall not include framing or support structure, unless such supports are designed in such a manner as to form an integral background of display. However, the supports shall be included in the height limitation. If a sign consists of individual letters, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters. If the sign is a panel-or box, the total area, including background, is included.
- (d) Illumination. All external signage, including free standing signs, shall not be internally illuminated. When external lighting is allowed, it must be directed downward and must illuminate the sign so as to not be distracting to motorists nor pedestrians and shall be shielded so the light coming from the source is not directed off the sign, onto or visible from adjacent properties or public streets or rights-of-way.
 - 1. Illumination shall be by an externally located steady stationary white or clear light source, shielded and directed downward, solely at the sign;
 - 2. Light sources to illuminate signs shall be designed to minimize their visibility from any street right-of-way, reduce glare hazardous to pedestrians or vehicle drivers and avoid creation of a nuisance to adjacent properties;

3. All sign illumination sources which cause a sign to be visible from the property of others or visible from public roads and rights of way shall be extinguished no later than 30 minutes after business closing each day and may not be turned on earlier than the time of opening each day.
4. The intensity of the light shall not exceed twenty (20) foot candles at any point on the sign face;
5. Monument signs displaying fuel prices may use downward directed white or clear flood lighting or red internal LED source lights for illuminating or displaying fuel price per gallon. All signage illumination shall be turned off within thirty minutes of business closing time and not turned on until business opening time the next day.
6. Colored flood lights are not permitted.

Sec. 6-4-17 WALL SIGNS.

- (a) Definition. Wall signs, as regulated by this Ordinance, shall include all signs which are attached, painted or otherwise placed upon a wall, a window, a fence or any part of a building. For the purpose of this Ordinance, wall signs shall include canopy signs, porch signs and awning signs.
- (b) Location. No wall sign shall be placed on any roof, gambrel roof, mansard roof, or fake roof or on top of any structure. Only one wall sign is allowed per wall. Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways shall be painted to match the color of the exterior walls to which they are attached.
- (c) Erection. All wall signs shall be safely and securely attached to the building wall, subject to the approval of the Mayor and City Council.
- (d) Size. No wall sign shall extend more than ten inches (10") from a surface area nor shall the sign area exceed ten percent (10%) of the wall area on which the sign is mounted.
- (e) Number. One wall sign shall be permitted for each street facing wall per business.
- (f) Manner of Illumination. All external signage, including wall signs, shall not be internally illuminated with the exception of petroleum station fuel price signs as described in section 6-4-26 (b)(3). All external lighting must be directed downward and must illuminate the sign so as to not be distracting to motorists nor pedestrians and shall be shielded so the light coming from the source is not directed off the sign, onto or visible from adjacent properties or public streets or rights-of-way.
 1. Illumination shall be by an externally located steady stationary white or clear light source, shielded and directed downward, solely at the sign;
 2. Light sources to illuminate signs shall be designed to minimize their visibility from any street right-of-way, reduce glare hazardous to pedestrians or vehicle drivers and avoid creation of a nuisance to adjacent properties;

3. All sign illumination sources which cause a sign to be visible from the property of others or visible from public roads and rights of way shall be extinguished no later than 30 minutes after business closing each day and may not be turned on earlier than the time of opening each day.
 4. The intensity of the light shall not exceed twenty (20) foot candles at any point on the sign face;
 5. Colored flood lights are not permitted;
 6. Petroleum Station Signs, as described in section 6-4-26 (b) (3), displaying fuel prices with red LED lights are not considered in contradiction of this section.
- (g) Wall signs shall not have changeable copy.
- (h) Wall signs shall not cover architectural features or details, and not extend beyond the roof line or outer edges of the building. Raceways holding signs shall be painted to match the color of the exterior walls to which they are attached.

Sec. 6-4-18 BANNERS, PENNANTS, SEARCH LIGHTS, ETC.

- (a) Banners, pennants, twirling signs, curb signs, balloons or other gas-filled figures shall not be used on a permanent basis.
- (b) Signs described in (a) above will be permitted at the opening of a new business in a commercial or industrial district for a total period not to exceed fourteen (14) days and will be allowed in residential districts in conjunction with an open house or model home demonstration conducted by a realtor for two (2) days before the opening of such a demonstration to two (2) days after.
- (c) The use of Searchlights, high powered spotlights, or other bright lights directed upwards is not permitted in the City of Williamson due in part to the close proximity of multiple airfields, and that Williamson is striving to have night sky-friendly lighting and reduce light pollution as much as possible.

Sec. 6-4-19 SIGNS ADVERTISING SHOPPING CENTERS, ETC.

- (a) Signs advertising shopping centers of multiple businesses shall be limited to one such free standing / monument sign per individual lot containing the name of said shopping center and/or the individual businesses.
- (b) Size Limitation. Shopping Center signs shall not exceed six feet (6') in height as measured from grade. The total surface area shall not exceed forty (40) square feet. Area calculation of sign shall not include framing or support structure, unless such supports are designed in such a manner as to form an integral background of display. However, the supports shall be included in the height limitation. If a sign consists of individual letters, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters. If the sign is a panel or box, the total area including background is included.

Sec. 6-4-20 GROUPED CIVIC/RELIGIOUS INSIGNIA – SIGNS.

- (a) Definition. A sign, requiring prior approval by the Williamson Planning Commission and Mayor and Council, displaying on one (1) surface the emblems, insignia, meeting schedule and/or similar information related to several civic, charitable, religious, patriotic and/or fraternal organizations.
- (b) Location. Grouped civic/religious insignia signs may be located in the public right-of-way in any Zoning District, as defined by zoning laws of the City of Williamson, provided that upon application, the Mayor and City Council or Zoning Administrator approves the specific location, placement, design, content, and other features of such sign.
- (c) Approval. In determining approval of such a sign, the Mayor and City Council or Zoning Administrator shall consider whether or not there is a community need which such sign might fulfill, and at the same time, strive to assure that the construction, design, location and placement of such signs will be such that the number of such signs will be held to a minimum, that such signs will not constitute a traffic hazard or nuisance. In making the determination, the Mayor and City Council or Zoning Administrator may require plans or specifications and may place conditions on the erection, construction, design, location, and placement of such sign.

Sec. 6-4-21 HOME OCCUPATION SIGNS.

- (a) Home Occupation Sign. A home occupation sign is an on-site identification sign which advertises a home occupation as defined by the City of Williamson Zoning Ordinance. Home occupations may be allowed in any residential District. The surface area and type of home occupation sign shall be limited to one (1) wall sign only, not to exceed one (1) square foot, mounted next to the main-entry door. No permit is required for such a wall sign.

Sec. 6-4-22 POINT OF ENTRY SIGNS.

- (a) Definition. Signs erected on the ground which identify the entrance of a residential, religious or commercial development but which do not provide advertisement for any one commercial activity which may be located therein, for example, signs identifying residential subdivisions or communities, church complexes, industrial parks, and commercial complexes.
- (b) Location. Point of entry signs shall be allowed in any zoning district, as defined by the zoning laws of the City of Williamson, in which the identified development is allowed.
- (c) Construction. All point of entry signs shall be soundly and securely constructed. Letters, characters, figures or representative in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
- (d) Limitation. Point of entry signs shall have a surface area no greater than thirty-five (35) square feet for noncommercial subdivisions and facilities, and no greater than forty-eight

(48) square feet for commercial and industrial subdivisions. Height for residential subdivisions and church signs shall not exceed five feet (5'). Height for commercial and industrial subdivision signs shall not exceed six feet (6'). Such signs shall be limited to one (1) per City approved exit/entrance. Area calculation of sign shall not include framing or support structure, unless such supports are designed in such a manner as to form an integral background of display. The supports shall not be included in the height limitation.

If a sign consists of individual letters, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters. If the sign is a panel or box, the total area including background is included.

Sec. 6-4-23 TEMPORARY SIGNS. Temporary signs shall include all signs not specifically regulated in other sections of this Ordinance. Such signs shall be permitted in all zoning districts. Such signs are neither permanently attached to a structure nor the ground and are intended for short-term display. The City, at its discretion, may allow more substantial support structure for larger temporary signs on a case-by-case basis.

- (a) Special Event Signs: Special event signs shall be permitted as special event signs and regulated as follows:
 - 1. Duration. Special event signs shall be permitted for no more than thirty (30) days prior to a non-recurring event and shall be removed within forty-eight (48) hours after such event has occurred.
 - 2. Size. Temporary special event signs shall not exceed twenty-four (24) square feet in area or six (6) feet in height.
- (b) Announcement Signs: Temporary signs such as those announcing new, additional, or ongoing services or products shall be permitted for no more than sixty (60) days. Such sign permits may be renewable by submission of a new application and applicable fee. Such signs are often similar to the commonly used coroplast® plastic signs with metal stands inserted into the ground.
- (c) Construction Signs: One (1) temporary construction sign per street frontage shall be allowed on construction sites.
 - 1. Duration. Temporary construction signs shall be allowed beginning with the issuance of a Land Disturbance Permit and ending with final inspection of installation of a permanent sign, whichever occurs first.
 - 2. Size. Temporary construction signs shall not exceed sixteen (16) square feet in area or six (6) feet in height.

Sec. 6-4-24 POLITICAL SIGNS. Political campaign signs announcing candidates seeking public/political office and/or political issues, which are on the ballot for an upcoming election in which the registered voters of Williamson are eligible to vote (Federal, State of Georgia, Judicial

Circuit, Senate, Representative, Pike County and/or Williamson municipal) shall be subject to the following restrictions/allowances:

- (a) List of Signs: A list of locations with the combined surface area of all signs totaling over six (6) square feet must be submitted to the City Clerk and Zoning Administrator prior to the first called election.
- (b) Permission. The candidate, or committee of the candidate, and/or committee of the political issue, shall obtain the permission of the property owner prior to placement of said sign(s). All signs shall be placed on private residential and/or nonresidential property only.
- (c) Location. Signs shall be placed no closer than fifteen (15) feet from the pavement of a City or County maintained road, no closer than fifteen feet (15') from the ditch of an unpaved City or County maintained road and no closer than of twenty-five (25) feet from the pavement of a State highway. Signs shall be placed so as not to obstruct intersection visibility.
- (d) Signs shall be free-standing and shall not be placed upon utility poles, fences, street signs, trees, shrubs, plants, etc. No balloons, pennants, streamers, etc. shall be used on the sign or to attract attention to the sign.
- (e) Enforcement. The City of Williamson is empowered to remove or cause to be removed all political signs not conforming with the provisions of this section without notice to the candidate/ issue committee whose sign creates the non-conformance.

Sec. 6-4-25 SANDWICH BOARD SIGNS. Sandwich board sign means a non-illuminated portable sign consisting of two flat surfaces joined at one end.

- (a) Sandwich board signs are regulated as follows:
 - 1. Sandwich board signs are only allowed in the C-1 Neighborhood Commercial zone district and a sign permit is required;
 - 2. Sandwich board signs shall not exceed four feet in height or 12 square feet in display area per each of the two allowable sides;
 - 3. One sandwich board is allowed per licensed business;
 - 4. Sandwich boards may be displayed when the store is open for business and must be stored inside the business overnight;
 - 5. Sandwich boards cannot be lighted or powered by any means;
 - 6. Sandwich boards can only be displayed on sidewalks directly in front of the advertised business; and
 - 7. Sandwich boards shall be placed to allow a minimum of 42 inches of clearance on the sidewalk for passersby.

Sec. 6-4-26 PETROLEUM STATION SIGNS

- (a) Petroleum product pumps and dispensers which are within view of a public way shall be permitted to display only information required by law, the brand name and type of product being dispensed, and additional signs mounted on the pump or dispenser not to exceed one (1) square foot of combined surface area in size. Canopy and awning signs are not allowed unless specifically and individually approved by the Mayor and Council.
- (b) Premises from which retail petroleum products are dispensed by pump shall be permitted one (1) additional monument sign with a maximum area of ten (10) square feet announcing the price per gallon of the products. In lieu of the one (1) additional sign permitted above, the price per gallon may be:
 - 1. Displayed on each individual pump structure with characters not exceeding six (6) inches in height; or
 - 2. Displayed by increasing by ten (10) square feet the area allowed by section 6-4-16 for a single free-standing sign.
 - 3. Monument signs may use downward directed white or clear flood lighting or red internal LED source lights for illuminating or displaying fuel price per gallon.
 - 4. All sign illumination sources which cause a sign to be visible from the property of others or visible from public roads and rights of way shall be extinguished no later than 30 minutes after business closing each day and may not be turned on earlier than the time of opening each day.

Sec. 6-4-27 PROHIBITED SIGNS. The following types of signs are expressly prohibited, except as otherwise provided herein:

- (a) Animated and Intensely Lighted Signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination.
- (b) Miscellaneous Signs and Posters. The tacking, pasting or otherwise affixing of signs or a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, or trees, poles, posts, fences or other structure is prohibited unless otherwise permitted by this ordinance.
- (c) Moving Signs. No sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-stationary condition except for the rotation of barber poles. This includes balloons, inflated signs, signs designed to be moved by the wind, or signs which emit vapors, smoke, bubbles or mist. This Section is not meant to prohibit any form of vehicular signage such as a sign attached to a bus or letters on a motor vehicle.
- (d) Internally Illuminated Signs. No signs may be internally illuminated other than "OPEN" signs located inside business establishments which may be visible from outside and monument signs displaying fuel prices as allowed in section 6-4-26. The total combined area of all "OPEN" signs at the business must be no larger than 2 square feet in area. Such "OPEN" signs must be turned off no later than 30 minutes after business closing each day and may not be turned on earlier than the time of opening each day. All other signs must be

illuminated by external lights shielded from view, and focused upon the sign.

- (e) Public Areas. No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare or right of way except as may otherwise be expressly authorized by this Code. No signage other than that owned and/or maintained by the City of Williamson shall be allowed on any City property, including rights-of-way without prior approval of the Mayor and City Council.
- (f) Portable Signs. Portable signs are prohibited unless otherwise specifically allowed by sections of this ordinance or permission is granted by the Mayor and City council.
- (g) Any sign which does not comply with design, location, construction, size, lighting, spacing, and permitting requirements of this ordinance.
- (h) Any sign that does not have a valid permit issued unless the sign meets the criteria for a sign that is exempt from permit requirements.

Sec. 6-4-28 SIGNS EXEMPT FROM PERMIT REQUIREMENTS. The following signs which are allowed without a permit shall be regulated as follows:

- (a) Free Speech Sign. Free Speech signs shall conform to all applicable sections of Chapter 6-4, Sign Ordinance dealing with placement, design, construction and size.
- (b) Name Plates and Address Markers. Name plates shall not require a permit when attached to the main entrance door so long as such name plate does not exceed one (1) square foot. See Section 117, (Wall Signs) for regulations governing name plates larger than one (1) square foot. Address number markers shall not require a permit. One (1) address number marker not exceeding two (2) square feet in area is allowed per parcel. This does not include nor restrict addresses applied to mailboxes as required by the U. S. Postal service.
- (c) Bulletin Boards. Bulletin boards not over eight (8) square feet in area shall be allowed for public, charitable or religious institutions when such bulletin boards are located on the same property as the institution.
- (d) Memorial Sign. Memorial signs or tablets including the name of a building and date of erection when cut or cast into masonry. Such signs or tablets shall not exceed nine (9) square feet in size.
- (e) Government Information and Regulatory Signs. Informational and regulatory signs placed and maintained by the City of Williamson on City property.

Article D COMPLIANCE, PENALTIES, ADDITIONAL FEES, SEPARABILITY

Sections:

- 6-4-29 Nonconforming Use
- 6-4-30 Penalties
- 6-4-31 Additional Fees For Non-Compliance
- 6-4-32 Separability

Sec. 6-4-29 NONCONFORMING USE.

- (a) Notification of Noncompliance. Upon determination that a sign does not comply with the provisions of this Ordinance, the Zoning Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
1. The sign's nonconformity; and
 2. whether the sign is eligible for characterization either as nonconforming or unlawful. Failing determination of the sign owner, user, or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.
- (b) Signs Eligible for Characterization as "Nonconforming" Any sign located within the City limits on the date of adoption of this Ordinance which does not conform with the provisions of this Ordinance, is eligible for characterization as a "nonconforming" sign and shall be allowed to continue, provided it also meets the following requirements:
1. The sign was covered by a sign permit or variance on the, date of adoption of this ordinance, if one was required under applicable law; or
 2. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this ordinance.
- (c) Loss of Nonconforming Status. A nonconforming sign shall immediately lose its nonconforming designation if:
1. the sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which amounts to twenty-five percent (25%) or more of the replacement value of the sign; or
 2. the sign is relocated to a position making it less in compliance with the requirements of this ordinance; or
 3. the sign is replaced; or
 4. destruction, deterioration or other damage to the sign to the extent of twenty-five percent (25%) or more, of the replacement value of the sign, whether the result of natural causes, Acts of God, vandalism or any other cause. Deterioration which makes temporary signs unsightly or unstable shall be cause for revocation of the permit for that sign. If such unsightly, unstable signs are not removed by the applicant when requested, they may be removed by the City and any expenses incurred with such removal shall be charged to the applicant. There shall be no reimbursement of sign permit fees for such signs which are removed due to conditions stated in this section. The City has the authority to determine the condition of all signs in the City and take action as referenced in this section.

On the occurrence of anyone of the above, the sign shall be immediately brought into compliance with this Ordinance and a new permit secured therefor, or shall be removed.

(d) Nonconforming Sign. Nothing in this Section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this Ordinance regarding safety, maintenance and repair of signs, as contained in this Code.

Sec. 6-4-30 PENALTIES. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined no more than \$500.00 or imprisoned no more than thirty (30) days, or both as the facts of the case may justify. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Sec. 6-4-31 ADDITIONAL FEES FOR NON-COMPLIANCE. The City of Williamson is hereby authorized to charge persons owning or possessing signs which do not meet the requirements of this Ordinance for all charges incurred by the City of Williamson in removal, correction, or repair of the sign.

Sec. 6-4-32 SEPARABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Chapter 6-5 ZONING – Reserved (See Williamson Zoning Ordinance §156.001, et. seq.)

Title 7 LICENSING AND REGULATION

Chapters:

- 7-1 General Provisions
- 7-2 Peddling, Soliciting and Canvassing
- 7-3 Miscellaneous Regulations
- 7-4 Alcoholic Beverages

Chapter 7-1 GENERAL PROVISIONS

Cross Reference: Business and occupation taxes, Sec. 2-5-21 et seq.

Sections:

- 7-1-1 Definitions
- 7-1-2 License required
- 7-1-3 Separate businesses
- 7-1-4 Application; fee; temporary business
- 7-1-5 Administration of chapter
- 7-1-6 Duties of administrator
- 7-1-7 Duration of license
- 7-1-8 Casual and isolated activity

- 7-1-9 Special daily business license
- 7-1-10 Procedure for issuance
- 7-1-11 Display of licenses and registrations
- 7-1-12 Renewal of licenses
- 7-1-13 Revocation; suspension
- 7-1-14 Change of address
- 7-1-15 Transfer of licenses
- 7-1-16 Issuance of replacement licenses
- 7-1-17 Special provisions for disabled veterans
- 7-1-18 Violations and penalties
- 7-1-19 Defense to prosecution
- 7-1-20 Owner and manager both punishable for violations
- 7-1-21 Hours of Operation of Businesses
- 7-1-22 Subsequent amendments; other fees

Sec. 7-1-1 DEFINITIONS. The following words where used in this chapter, unless the context requires otherwise, shall be deemed to have the following meanings:

Administrator. The City clerk shall be the administrator for the licensing of businesses under this chapter and may be assisted by employees of the clerk's office.

Business. Any business, trade, occupation, profession, avocation or calling of any kind for gain or profit, directly or indirectly; provided that this shall not include any business, trade, profession and the like licensed by the state unless City licensing is allowed by state law, nor shall it include any business operating solely under a franchise granted by the City.

Engaged in business. Any person shall be deemed to be engaged in business and thus subject to the requirements of this chapter when he performs any act of selling any goods or services or solicits business or offers goods or services for sale for payment in an attempt to make a profit, including the sales or services of the character as made by a wholesaler or retailer or involved in any of the functions performed as a manufacturer, either as an owner, operator or agent in any business within the City.

Person means any person, firm, partnership, corporation, association or group of individuals, or their representatives, acting as a unit.

Sec. 7-1-2 LICENSE OR OCCUPATIONAL TAX RECEIPT REQUIRED . Every business in this City or person doing business or engaged in business within the City is hereby required to have a business license from the City for the privilege of engaging in a business, profession or occupation within the corporate limits, unless City licensing is prohibited under state law or the activity is exempted by this code. Whether or not a business license is required, prohibited, or exempted, every business or person doing business or engaged in business within the City is required to pay an annual occupational tax and have an occupational tax receipt on display at their place of business no later than the last day of February for each year the business is in operation, engaged in, or conducts business activity. Such occupational tax receipt shall be

displayed prior to and during all operations of the business. Possession of an Occupational Tax Receipt indicates acknowledgement of the City of Williamson Code of Ordinances as it applies to business-related activities including, but not limited to, signage and product display requirements. The cost of this occupation tax helps to cover the expense of regulating, monitoring and enforcing business activities.

Sec. 7-1-3 SEPARATE BUSINESSES . Where a person conducts a business at more than one (1) store, location or place, each store, location or place shall be considered a separate business under the terms of this chapter and a separate license shall be required or occupational tax paid. Should more than one (1) business on which a business tax is levied by this code be conducted in or in conjunction with one (1) place or kind of business, each business shall be separately licensed and tax paid as provided in this chapter.

Sec. 7-1-4 APPLICATION; FEE; TEMPORARY BUSINESS .

(a) Every person required to procure a license or pay an occupational tax under the provisions of this code shall submit an application for the license or tax receipt to the administrator, this application shall conform to the requirements of this section in addition to any other provisions of this code.

(b) Unless otherwise provided in this code, each application shall be a written statement upon forms provided by the City and submitted before the last day of February of each year or within 10 days of opening a new business or reopening of a business under a new ownership.

(c) Each application shall contain the following information:

1. name and home address of the applicant if an individual, or home office address if a corporation or partnership;
2. place where the proposed business is to be located;
3. kind and class of business to be carried on;
4. names and home addresses of the partners, if a partnership;
5. names and home addresses of the officers and directors, if a corporation;
6. any information as may be required by the administrator for the purpose of determining the amount of any business taxes to be collected under this code; and
7. any additional information which the administrator may find reasonably necessary to the fair administration of this chapter of the code which may include a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the City, state or federal government other than minor traffic violations.

(d) Each application shall be signed and sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.

(e) All information furnished or secured under the authority of this chapter of the code shall be kept in strict confidence by the City; shall not be subject to public inspection; and shall be utilized solely by the officers of the City responsible for administering the provisions of this chapter and the City's business taxes.

(f) False statements on any application for a business license or tax receipt shall be grounds for immediate revocation of the license and/or receipt or denial of the application.

(g) Any application, license and registration fees as fixed from time to time by the Mayor and council for business taxes required under this code shall accompany the application.

(h) Transient and temporary businesses shall pay any fees or taxes provided for in this code. No license granted these businesses shall be valid after 180 days.

Sec. 7-1-5 ADMINISTRATION OF CHAPTER. The administrator shall administer and enforce the provisions of this chapter for the application for and issuance of business licenses and tax receipts under this chapter of the code.

Sec. 7-1-6 DUTIES OF ADMINISTRATOR. The administrator, or an authorized representative, shall have, among others, the following duties:

(a) To prepare and provide the necessary forms for the registration and application for a business license or tax receipt and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this chapter.

(b) To issue to each person a business license or tax receipt within a reasonable time after the payment of the license fee assessed and any business taxes, property or other City taxes levied in this code; provided, however, where under other portions of this code, permits, certifications and compliance with enumerated conditions are required for the operation of the business, the administrator shall not issue a business license or tax receipt until the applicant exhibits to the administrator the obtained permits, certification and compliance.

Sec. 7-1-7 DURATION OF LICENSE OR OCCUPATIONAL TAX RECEIPT. Any license or Occupational Tax Receipt referred to in this chapter shall automatically expire on December 31 of the year of its issuance.

Sec. 7-1-8 CASUAL AND ISOLATED ACTIVITY. Except as otherwise provided in this title, nothing herein contained shall be interpreted so as to require any person who may engage in casual or isolated activity and commercial transactions, where they involve personal assets only and are not the principal occupation of the individual, to obtain a business license or pay a fee therefor.

Sec. 7-1-9 SPECIAL DAILY BUSINESS LICENSE OR OCCUPATIONAL TAX RECEIPT. In lieu of obtaining a business license or Occupational Tax Receipt as provided in this chapter, a person not maintaining a fixed place of business in the City may obtain from the administrator a special daily business license which shall expire at 12:00 AM (midnight) of the day for which it is issued. A new license shall be obtained for each day on which any type of business is to be conducted. Any person desiring to engage in a business licensed under this section shall obtain a license or tax receipt prior to engaging in business on the day for which the license or receipt is issued and pay all license fees and business taxes required under this code. In lieu of obtaining a Special Daily Business License or Occupational Tax Receipt, see Chapter 7-2 PEDDLING, SOLICITING AND CANVASSING for requirements, if applicable.

Sec. 7-1-10 PROCEDURE FOR ISSUANCE .

(a) If any provision of this code provides for the review of an application for a license or Occupational Tax Receipt by a City officer designated therein, the administrator shall forward a copy of the application to that officer. The officer charged with the duty of reviewing the application shall make a recommendation thereon, favorable or otherwise, and shall return the recommendation to the administrator after receiving a copy of the application.

(b) Upon the receipt of the recommendation of the reviewing officer as hereinabove provided, or upon the receipt of the application if no reviewing officer is designated, the administrator shall forward the recommendation and application to the Mayor and council for consideration and action at its next regularly scheduled public meeting, if approval by the Mayor and council is required.

(c) No license or occupational tax receipt shall be issued to any applicant whose place of business is not in full compliance with all minimum standard building codes adopted by the City.

(d) No license or occupational tax receipt shall be issued to any applicant who has any outstanding indebtedness to the City, including but not limited to property taxes, business license fees, business taxes, utility bills and any other taxes or assessments.

(e) Upon the express approval of the Mayor and council, when so required, or otherwise upon a determination by the administrator that the application is in order and all requirements have been met, the administrator shall issue a business license or occupational tax receipt to the applicant therefore, which license shall state the nature of the business authorized and bear the date of issuance and the signature of the administrator.

(f) If the administrator determines that the application is not in order or any requirements for the license or occupational tax receipt have not been met then the administrator shall deny the application and immediately provide written notice of the denial and the grounds therefore to the applicant. The applicant may appeal the denial to the Mayor and council within 10 days of the denial notice being issued. The Mayor and council shall hold a public hearing on the appeal within 10 days of the appeal being filed with the City clerk. The Mayor and council, within 10 days of the hearing, may order the license or occupational tax receipt granted with or without conditions or may affirm the denial of the application. The decision shall be based only upon a finding by the Mayor and council that the administrator was correct or erred in the interpretation of the regulations involved or the facts of the case.

(g) Unless otherwise provided in this chapter, all license and occupational tax receipt applications shall be approved or disapproved within 10 days of filing with the administrator.

(h) Nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in that business.

Sec. 7-1-11 DISPLAY OF LICENSES, RECEIPTS AND REGISTRATIONS . All persons shall exhibit and display all licenses, occupational tax receipts and registrations issued to them under this code in some conspicuous place in their business establishment at which address the

license or registration was issued. Any transient or nonresident person, firm or corporation doing business within the City shall carry the license, occupational tax receipt or registration either upon his or her person or in any vehicle or other conveyance which is used in the business and the person shall exhibit the same to any authorized enforcement officer of the City, or enforcement officer authorized by, and acting on behalf of the City, when so requested.

Sec. 7-1-12 RENEWAL OF LICENSES OR RECEIPTS . Each business in this City or person doing business or engaged in business within the City shall make a written application for renewal of a business license or Receipt for Payment of Occupational Tax on forms supplied by the administrator no later than the last day of February of each calendar year, which application may require substantially the same information as the initial application.

Sec. 7-1-13 REVOCATION; SUSPENSION . The Mayor and council after affording the licensee a five (5) day notice of the charges and opportunity to be heard with respect to any revocation proceedings, may, if it finds this code to have been violated by the licensee, his or her agent, or employee in the operation of the business, revoke any and all City licenses and/or receipts in their entirety, suspend the same for a specified period of time, place the licensee/Receipt holder on probation or place other conditions thereon as the Mayor and council may deem necessary after a hearing thereon.

Sec. 7-1-14 CHANGE OF ADDRESS . Any person licensed or holding an Occupational Tax Receipt hereunder moving from one location to another shall notify the administrator of the move and the new address in writing on a form provided by the administrator no later than the day of moving. The same business license or Tax Receipt will be valid at the new location if the new location conforms to the building regulations of the City and any other location transfer requirements of this code.

Sec. 7-1-15 TRANSFER OF LICENSES OR RECEIPTS . Business licenses or Occupational Tax Receipts shall not be transferable except as provided in this section. In the event that the owner of a business holding a currently valid paid up business license or an Occupational Tax Receipt should sell or transfer the business to another person, the purchaser of the business shall obtain free of charge a new license or Receipt in his name for the balance of the current term of the seller's business license or City fiscal year, upon making application to the administrator, and the purchaser shall be punishable for violation of this chapter if the transfer of the business license or Occupational Tax Receipt provided for in this section is not made before the transferee begins to engage in the business. At the date of renewal of the seller's business license or Occupational Tax Receipt, the buyer must obtain a new annual business license or Occupational Tax Receipt and pay all license fees and business taxes required by this code and comply with all applicable provisions of this code and all ordinances in the same manner as if he had been the original owner of the business.

Sec. 7-1-16 ISSUANCE OF REPLACEMENT LICENSES OR RECEIPTS . In the event that the administrator is notified that the licensee has lost his copy of the license or Occupational Tax Receipt, the administrator shall make a new copy, upon showing by the licensee/receipt holder

that the required fees have been paid. In addition, the licensee/receipt holder shall be charged a replacement fee as fixed from time to time by the Mayor and council. Replacement licenses and Occupational Tax Receipts shall be signed by the administrator and shall indicate the time and date upon which issued. The possession of a replacement license or Occupational Tax Receipt shall not be a defense to any charge of violation of this chapter except a charge made after the time of the issuance of the replacement license or Occupational Tax Receipt.

Sec. 7-1-17 SPECIAL PROVISIONS FOR DISABLED VETERANS . All disabled veterans desiring to enter business without paying City license fees or business taxes must present a state disability license to the administrator whereupon a City license will be issued and marked "FREE" on the face of the same.

Sec. 7-1-18 VIOLATIONS AND PENALTIES .

(a) It shall be a violation of this chapter for any person, whether based in the City or elsewhere, to transact any business of a type for which this chapter requires a license or Occupational Tax Receipt, or to carry on any business for which a license or Occupational Tax Receipt is required however briefly or however transitorily, without first obtaining a license or Occupational Tax Receipt to do so, under the provisions of this chapter.

(b) It shall be a violation of this chapter for any person, whether based in the City or elsewhere, made liable for obtaining a business license or Occupational Tax Receipt under this chapter, to fail to show the license, Occupational Tax Receipt or a copy thereof to any police officer within a reasonable time after the making of a demand therefore by the police officer.

(c) It shall be a violation of this chapter to fail to pay the license fees and/or taxes required by this chapter by the date on which such payments are due.

(d) Any person violating any of the provisions of this chapter shall, upon conviction in the municipal court of the City be punished as provided in section 1-1-5 of this code.

Sec. 7-1-19 DEFENSE TO PROSECUTION. It shall be a defense to any prosecution under this chapter for failing to obtain a business license or Occupational Tax Receipt before engaging in business, that a license or Occupational Tax Receipt has in fact been issued in the manner provided by law. It shall be presumed that no license or Occupational Tax Receipt has been issued unless at his trial, the accused produces in court his currently valid business license, Occupational Tax Receipt or a certified copy thereof. In no event shall the claim by the accused that he has been issued a currently valid business license or Occupational Tax Receipt which has been lost be sustained unless that person shall have first reported the alleged loss to the administrator and made demand for the issuance of a new license or Occupational Tax Receipt. The report of loss or demand for issuance of a replacement license or Occupational Tax Receipt must have been made prior to the arrest for the violation for which the accused is charged.

Sec. 7-1-20 OWNER AND MANAGER BOTH PUNISHABLE FOR VIOLATIONS . In the event that a business is being conducted without a license or Occupational Tax Receipt, both

the person owning the business and the person in charge of the management of the business in the City may be held liable for the violation of the provisions of this chapter, and upon conviction, either or both may be punished as provided for in section 7-1-18.

Sec. 7-1-21 HOURS OF OPERATION OF BUSINESSES. In the interest of the safety and welfare of the Citizens of Williamson, and to promote a nighttime quietness in the City, all persons engaged in business which is open to the public must cease business operations no later than 12:00 midnight after each day of operation. Businesses may not open earlier than 5:30 am on any day of operation. Exterior lights must be extinguished in accordance with the Chapter 6-4 Sign Ordinance. Lights which emit from the business, other than minimal lighting for security purposes, must be extinguished no later than 30 minutes after the close of business. Lights which emit from the business, other than minimal lighting for security purposes, must not be illuminated prior to 5:00 am. Lights other than those minimal lights for security purposes shall not be illuminated between the hours of 12:30am and 5:00am.

Sec. 7-1-22 SUBSEQUENT AMENDMENTS; OTHER FEES. This chapter shall be subject to amendment or repeal, in whole or in part, at any time, and no amendment or repeal shall be construed to deny the right of the City to assess levy and collect any of the license fees and/or taxes prescribed. The payment of any license fee or tax herein provided for shall not be construed as prohibiting the assessment, levy or collection of additional license, permit fees or taxes upon the same person, firm or corporation.

Chapter 7-2 PEDDLING, SOLICITING AND CANVASSING

State Law Reference: County licensing of peddlers, O.C.G.A., Sec. 43-32-1 et seq.

Sections:

- 7-2-1 Registration required.
- 7-2-2 Registration; fee; application for identification card.
- 7-2-3 Exhibition of registration card.
- 7-2-4 Unlawful acts.
- 7-2-5 Definitions of Canvassing, Peddling and Soliciting.

Sec. 7-2-1 REGISTRATION REQUIRED. Any person peddling, soliciting or canvassing within the City shall be required to register and obtain an identification card as provided by this chapter.

Sec. 7-2-2 REGISTRATION; FEE; APPLICATION FOR IDENTIFICATION CARD. Any person desiring to peddle, solicit or canvass within the City shall pay to the City clerk or his designated representative a registration fee as fixed from time to time by the Mayor and council and shall make application for an identification card which shall show payment of the registration fee and the days that the registrant has registered to peddle, solicit or canvass within the City.

Sec. 7-2-3 EXHIBITION OF REGISTRATION CARD. Each registrant shall at all times while in the City have upon his person the registration card and shall exhibit the same when

requested to do so by any law enforcement officer or by any municipal authority and by any person being solicited. Possession of this registration card shall not in any way represent an endorsement or approval of any products or project by the City.

Sec. 7-2-4 UNLAWFUL ACTS.

- (a) It shall be unlawful for any person to peddle, canvass or solicit after sundown.
- (b) It shall be unlawful for any person to peddle, canvass or solicit without having registered with the City clerk in accordance with this chapter or to peddle, solicit or canvass without having on his person and in his possession an identification card issued in accordance with this chapter.

Sec. 7-2-5 DEFINITIONS OF CANVASSING, PEDDLING AND SOLICITING.

The following definitions shall apply to this section and to the City of Williamson Code of Ordinances in general:

Canvassing means asking people for something such as sale orders, opinions, or votes. This term also applies to the unauthorized dropping or placement of flyers, cards, catalogs and handbills on private, commercial or City property, including the rights of way of roads and streets within the City limits. See also “Peddling” and “Soliciting”.

Peddling means attempts to sell goods or services or to promote ideas or beliefs. This term also applies to the unauthorized dropping or placement of flyers, cards, catalogs and handbills on private, commercial or City property, including the rights of way of roads and streets within the City limits. See also “Canvassing” and “Soliciting”.

Soliciting means any requests, pleas, or invitations to residents within the City limits of Williamson to purchase, sell, trade or otherwise engage in activity related to procurement or distribution of goods or services. These terms also apply to the unauthorized dropping or placement of flyers, cards, catalogs and handbills on private, commercial or City property, including the rights of way of roads and streets within the City limits. See also “Peddling” and “Canvassing”.

Chapter 7-3 MISCELLANEOUS REGULATIONS

Sections:

- 7-3-1 Parades; permit required.
- 7-3-2 Application for permit.
- 7-3-3 Investigation.

Sec. 7-3-1 PARADES; PERMIT REQUIRED. It shall be unlawful for any person to participate in, conduct or accompany any organized parade or procession, other than a funeral procession, on the public streets, sidewalks or other public property in the City unless an application has been previously filed and a permit granted to conduct such parade or procession within the City.

Sec. 7-3-2 APPLICATION FOR PERMIT . An application for permit to conduct or sponsor a parade or procession shall be filed with the City clerk in writing and shall contain the following information furnished by the person in official charge of the proposed parade or procession:

- (a) The name of all organizations or persons organizing or sponsoring the parade or procession;
- (b) the purpose of the parade or procession;
- (c) the date and hours of the parade or procession;
- (d) the proposed route of the parade or procession, and its beginning and termination points;
- (e) the number and types of vehicles, marching units and floats to be used in the parade or procession; and
- (f) the number of persons participating in the parade or procession.

Sec. 7-3-3 INVESTIGATION .

The City clerk shall investigate all applications for parade permits, and shall issue permits where the information specified in section 7-3-2 has been furnished, provided the proposed parade or procession is otherwise lawful and can be held without undue interference with vehicular and pedestrian traffic within the City.

Chapter 7-4 ALCOHOLIC BEVERAGES

Sections:

- 7-4-1 Title
- 7-4-2 Purpose
- 7-4-3 Applicability of Chapter
- 7-4-4 Definitions
- 7-4-5 Authority to Issue Licenses
- 7-4-6 License Required
- 7-4-7 Application; Investigation Consent
- 7-4-8 Eligibility for License
- 7-4-9 Individual, Business or Association Entities; Named Licensee
- 7-4-10 Joint Responsibility
- 7-4-11 Designation of Store Manager
- 7-4-12 Citizenship and Residency Requirements
- 7-4-13 License Constitutes Grant of Privilege
- 7-4-14 Submitting False Application
- 7-4-15 License fees
- 7-4-16 Application Fee and Advertising Requirements
- 7-4-17 Duration of License
- 7-4-18 Standards for Granting or Denial
- 7-4-19 Procedure for Consideration of Application; Temporary Licenses
- 7-4-20 Denial of License
- 7-4-21 General Qualifications of Licensees
- 7-4-22 Transferability of License

- 7-4-23 Hours of Operation
- 7-4-24 Retail Package Licenses
- 7-4-25 Retail Consumption on the premises License
- 7-4-26 Farm Wine Tasting Room
- 7-4-27 Retail Package Sales and Retail Pouring Sales
- 7-4-28 Retail Dealer Qualifications
- 7-4-29 Wholesale Dealer Qualifications
- 7-4-30 Regulations of Retail Dealers
- 7-4-31 Merchandise and Sales Restrictions
- 7-4-32 Regulations of Wholesale Dealers
- 7-4-33 Pouring Licenses
- 7-4-34 Brownbagging
- 7-4-35 Alcoholic Beverage Caterers
- 7-4-36 Special Events Facility
- 7-4-37 Excise Taxes
- 7-4-38 Sales and Consumption of Alcohol on Public Property
- 7-4-39 Regulations, Future Resolutions and Revocation of Licenses
- 7-4-40 Suspension or Revocation of License
- 7-4-41 License Review Board; Hearings
- 7-4-42 Enforcement
- 7-4-43 Effective Date

Sec. 7-4-1 TITLE. This chapter shall be known and referred to as the “City of Williamson Alcoholic Beverage Ordinance.”
(Ord. passed 08-Nov-18)

Sec. 7-4-2 PURPOSE. This chapter has been enacted for the purpose of promoting the health, safety and general welfare of the city and its residents by establishing reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages, including malt beverages, wine, and distilled spirits, either at wholesale or retail, for consumption on the premises or by the package for off-premises consumption; enhancing appropriate business growth opportunities within the City, diversifying tax revenue while protecting and preserving schools and churches, giving effect to existing land use, and preserving residential areas with reasonable consideration being given to the character of the area and its suitability for particular uses and the congestion in roads and streets, and with a general view of promoting desirable living conditions, sustaining the stability of neighborhoods and property values, protecting against the concentration of retail licenses for alcoholic beverages in one family or corporation, preventing an undesirable person from engaging or having a financial interest in the sale of alcoholic beverages in the City, considering the proximity to the proposed location of other establishments selling alcoholic beverages, considering adequate parking availability, and considering the feelings and attitudes of citizens residing in areas adjacent to the location of the premises for which an application for a permit to sell alcoholic beverages has been made.
(Ord. passed 08-NOV-18)

Sec. 7-4-3 APPLICABILITY OF CHAPTER. This chapter is not to be construed as conflicting with any state or federal laws or regulations, nor as authorizing the sale of any alcoholic beverages on which the federal and state taxes have not been paid, nor as authorizing the sale thereof by any person who has not obtained any and all federal and state permits required by the federal and state laws and regulations, nor as authorizing sales at any place or in any manner prohibited by state laws and regulations.
(Ord. passed 08-NOV-18)

Sec. 7-4-4 DEFINITIONS.

(a) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **ALCOHOLIC BEVERAGE.** Means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine intended for human consumption.
2. **ALCOHOL BEVERAGE CATERER.** Means any retail dealer licensed pursuant to the alcohol beverage ordinance of the City who provides alcohol at authorized events or functions, special events, or special events facilities.
3. **BEER.** Any fermented beverages made in whole or in part from malt and any and all similar fermented beverages.
4. **BONA FIDE PRIVATE CLUB.** Means any nonprofit association organized under the laws of the state which:
 - (a) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
 - (b) Has at least 75 regular dues-paying members;
 - (c) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 - i. Has suitable kitchen and dining room space and equipment; and
 - ii. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
 - (d) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
5. **BREW PUB.** Means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. Section 3-5-36 for retail consumption on the premises and solely in draft form.
6. **BROWNBAGGING.** Means the bringing, taking or carrying of any alcoholic beverage into a business lawfully operating within the city but not licensed for the consumption of alcoholic beverages on the premises, with the intent to consume such alcoholic beverage on the premises, or the taking of any alcoholic beverage into premises licensed for the sale of alcoholic beverages during such times the sale or consumption of such beverages is prohibited by law; provided that bringing an alcoholic beverage into a house, apartment,

room or other unit designed for private residential occupancy for consumption by the residents and invited guests thereof shall not fall within this definition.

7. **CITY.** The City of Williamson, Georgia and the Mayor and Council acting as governing body of the City are herein referred to as the City.

8. **CRAFT BEERS.** As defined by the Brewers Association, Boulder, Colorado, the trade organization for the craft beer/microbrewing industry, are beers (a form of malt beverage) produced by a small, independent brewer who follows traditional brewing processes using select, sometimes non-traditional, ingredients to produce a distinctive product. Craft brewers produce very limited annual quantities, much less than traditional breweries which may produce millions of barrels per year.

9. **DESSERT WINE.** Means a wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

10. **DISTILLED SPIRITS.** Any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume.

11. **EATING ESTABLISHMENT.** As used in this chapter, the term "eating establishment" means an establishment which is licensed to sell malt beverages or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to subparagraph (D) of paragraph (2) of O.C.G.A. Section 3-5-36, or to the public for consumption off the premises, as authorized pursuant to subparagraph (D) of paragraph (2) and paragraph (4) of O.C.G.A. Section 3-5-36, shall not be used.

12. **FARM WINERY.** Means a domestic winery that is licensed as a farm winery by the state.

13. **FARM SPECIAL ENTERTAINMENT DISTRICT.** Means a certain area within the City designated by Mayor and Council pursuant to O.C.G.A. § 3-6-21.2 solely for the purpose of allowing Sunday sales in a farm winery tasting room.

14. **FARM WINERY TASTING ROOM.** Means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for retail sale of such wine as provided by law. Samples of wine can be given complimentary or for a fee.

15. **FORTIFIED WINE.** Means any alcoholic beverage containing greater 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. Fortified wine is classified as a distilled spirit.

16. **HOTEL.** Means any lodge, inn, or similar establishment which offers overnight sleeping accommodations to registered guests for hire, and at which one or more prepared meals or food are regularly served daily and consumed in one or more dining rooms, having an adequate and sanitary kitchen, such sleeping accommodations and dining rooms being conducted on the same premises. Hotels may grant franchises for the operation of an eating establishment and lounge on their premises, and the holder of such franchise shall be included in this definition of hotel. Lounges may be located separately from dining facilities

in hotels provided there is a commonality of ownership of the eating establishment and lounge.

17. **LICENSED ALCOHOLIC BEVERAGE CATERER.** Means any Georgia retail dealer licensed, either for package sales or on-premises consumption of alcoholic beverages, who additionally holds a valid license from a county or municipality to sell distilled spirits, malt beverages, or wine for consumption off-premises at authorized catered events.

18. **LOUNGE.** Means a separate room adjacent to and under common ownership with an eating establishment in which alcoholic beverages may be sold by the drink for consumption on the premises. Except in the case of a bona fide private club or hotel, as defined in this section, a lounge shall be part of the eating establishment, as defined in this section, and shall be interconnected by a doorway opening into the dining area of the eating establishment.

19. **MALT BEVERAGE.** Means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

20. **PACKAGE.** Means a bottle, can, keg, barrel, or other original consumer container.

21. **POURING LICENSE.** A license issued to a retail beer and/or wine dealer authorizing the sale of beer and/or wine by the drink upon the premises owned by said dealer.

22. **PROPER IDENTIFICATION.** Means any document issued by a government agency containing a description of the person and such person's photograph, and giving the person's date of birth; proper identification includes, but is not limited to, a passport, military identification card, driver's license, or identification card issued under O.C.G.A. sections 40-5-100 through 40-5-104. Proper identification shall not include a birth certificate.

23. **PREMISES.** When used in conjunction with package sales, means the floor space on and from which the package sale of alcoholic beverages is conducted; when used in conjunction with a lounge or restaurant, it means that floor space on and from which the sale of alcoholic beverages by the drink for consumption on the premises is conducted.

24. **RETAIL BEER DEALER.** Every person, firm, corporation or association who engages in selling or handling malt beverages of any kind or character at retail within the City of Williamson.

25. **RETAIL CONSUMPTION DEALER.** Means any person who sells alcoholic beverages, for consumption on the premises, at retail only to consumers and not for resale.

26. **RETAIL PACKAGE DEALER.** Means any person engaged in selling, at retail only to consumers and not for resale, any distilled spirits, wine or malt beverages in unbroken packages intended for carryout or consumption off the licensed premises.

27. **RETAIL WINE DEALER.** Every person, firm, corporation or association who engages in selling or handling wines at retail.

28. **SPECIALTY PACKAGE RETAILER.** Means a licensee under this chapter, operating from a fixed premise within the City, that may offer to the public package retail sales of craft malt beverages (beer) and/or wine(s) only, provided at least 50 percent of the floor space is dedicated to the retail sale of gourmet food items (not intended for consumption on the premises, such as a butcher shop and/or delicatessen meats, cheeses, breads and bakery items, and condiments) and related items or accessories, such as cooking and serving utensils, vessels and kitchen equipment, party or entertainment-related items (cups, plates, napkins, etc.) and beer and/or wine-making equipment and ingredients. Licensees may also sell unique marketing items, such as imprinted logo tee-shirts and hats.

29. **WHOLESALE BEER DEALER.** Every person, firm, corporation or association who sells and/or deals in malt beverages of any kind or character to another wholesale dealer, a retail beer dealer, or a retail consumption dealer as defined in this section.

30. **WHOLESALE WINE DEALER.** Every person, firm, corporation or association who sells and/or deals in wines to a retail wine dealer to another wholesale wine dealer, a retail wine dealer, or a retail consumption dealer as defined in this section.

31. **WINE.** Means any alcoholic beverage containing not more than 24 percent alcohol by volume made in whole or in part from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, table wines, brandy, 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 that point in the manufacturing process when it conforms to the definition of wine contained in this Code section.

(b) Each and every definition of the words, terms and phrases set forth above shall be considered in connection with each and every definition of words, terms and phrases set forth in the State alcoholic beverage code, presently codified in Title 3 ALCOHOLIC BEVERAGES of the Official Code of Georgia Annotated (OCGA 3-1-1 et seq.) as the same now exists, or as may be amended from time to time hereafter. These referenced state definitions are adopted and incorporated herein as if set forth fully herein.

(Ord. passed 08-NOV-18)

Sec. 7-4-5 AUTHORITY TO ISSUE LICENSES. Licenses shall be issued hereunder only upon the approval of the Mayor and City Council of City of Williamson, Georgia and all applications for same shall be presented to that body and all fees provided for shall be paid to the City of Williamson in the amounts and at the times herein specified by the Mayor and City Council by adoption of a schedule of fees. Reference O.C.G.A. Title 3, ALCOHOLIC BEVERAGES.

(Ord. passed 08-NOV-18)

Sec. 7-4-6 LICENSE REQUIRED.

(a) Except as set forth in subsections (d) and (e) of this section, it shall be unlawful for any person to sell, offer for sale, or otherwise dispense any alcohol beverages within the City of Williamson except under a valid license issued under this chapter and in compliance with the provisions of this chapter.

(b) The applicant for a license or permit, for which provision is made in this chapter, shall be subject to all State laws and regulations and to all city ordinances and regulations dealing with general licensing and consumption on the premises of alcohol beverages, except as may be otherwise specifically provided in this chapter.

(c) Malt beverages may be produced in private residences, consumed in private residences and transported from private residences pursuant to the requirements and within the restrictions set forth in O.C.G.A. § 3-5-4, as may be amended.

(d) A resident of the City may conduct a home brew special event under a permit issued by the City pursuant to the requirements and within the restrictions set forth in O.C.G.A. § 3-5-4(e), as may be amended.

(Ord. passed 08-NOV-18)

Sec. 7-4-7 APPLICATION; INVESTIGATION CONSENT.

(a) All applications for licenses shall be made upon application forms provided by the City of Williamson. All applications shall contain a full and complete sworn and notarized statement by each applicant of all material facts as determined by the Mayor and Council to be relevant to the requirements of this chapter and, further, shall include, but not be limited to:

1. If a partnership, the names and residence addresses of the partners and a copy of the partnership agreement;
2. If a corporation, the names of the officers, the name of the manager, and the names of all shareholders holding more than 20 percent of any class of corporate stock and a copy of the articles of incorporation; and
3. The name of any other entity having a financial interest in the establishment for which a license is sought.

(b) Each applicant and licensee shall consent to and authorize a fingerprint analysis and investigation.

(c) The application form shall be accompanied by a copy of the lease to the premises, or proof of ownership of the premises, or proof of other authorization for use of the premises.

(d) Each applicant and licensee authorizes the City 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 City 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 right that he would otherwise have to preclude the City or its agents from obtaining and using such information, and each applicant further waives any liability of the City or its agents for obtaining and using such information.

(e) Separate applications must be made for each location, and separate licenses must be issued for each location.

(Ord. passed 08-NOV-18)

Sec. 7-4-8 ELIGIBILITY FOR LICENSE.

(a) Every applicant shall, prior to applying for a license, read and familiarize himself with the provisions of this chapter, and the application shall constitute a certification that the applicant 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 alcohol beverages concerning the relevant provisions of this chapter.

(b) An applicant shall be active in the operation of the licensed business and shall be personally present on the licensed premises sufficiently to assure compliance with the provisions of this chapter. For purposes of this section, a licensee shall not be considered active unless he is an owner, stockholder, or full-time employee of the licensed business and is present on the licensed premises a minimum of ten hours per week.

(c) A licensee must be of good moral character and a citizen of the United States or an alien lawfully admitted for permanent residence. Any such alien shall have been lawfully admitted for permanent residence for at least one year prior to application.

(d) No person, including members of a retail dealer licensee's immediate family, shall be issued, nor shall have a beneficial interest in, more than two package distilled spirits licenses issued in this state.

(e) A licensee shall not have been convicted within the ten years preceding his application of any felony, any misdemeanor involving moral turpitude, any sexual related crime, or any criminal offense relating to alcohol beverages, taxes, or gambling. This subsection shall apply with respect to the laws of the State of Georgia, other states, and the United States. A plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. Sentencing as first offender status shall not be considered as a conviction if the sentence was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.

(f) A licensee shall not have had revoked, within the five years preceding his application, any license to sell alcohol beverages issued by any governmental entity.

(g) A licensee shall have, and continuously maintain as a registered agent, a resident of Pike County who may be served any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner. The registered agent must be a resident of at least 21 years of age.

(Ord. passed 08-NOV-18)

Sec. 7-4-9 INDIVIDUAL, BUSINESS OR ASSOCIATION ENTITIES; NAMED LICENSEE.

(a) 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 the

partner or employee primarily responsible for managing and overseeing the proposed business of selling alcoholic beverages on the licensed premises who shall be the named licensee. A license issued to a corporation shall be issued in the name of the corporation and in the name of the stockholder, officer of the corporation, or employee primarily responsible for managing and overseeing the proposed business of selling alcoholic beverages on the licensed premises who shall be the named licensee. A license issued to a purely nonprofit civic, fraternal, patriotic, private, or social club or corporation which is organized and conducted in the City solely as a mutual benefit membership group, shall be issued in the name of the club or corporation and in the name of the individual primarily responsible for managing and overseeing the proposed business of selling alcoholic beverages on the licensed premises and compliance with this chapter, and the named individual shall be the named licensee.

(b) The individual completing and presenting an application for a license, whether for himself, a partnership, a corporation, or a nonprofit organization shall meet the requirements of this chapter so as to be the named licensee.

(Ord. passed 08-NOV-18)

Sec. 7-4-10 JOINT RESPONSIBILITY.

(a) If a partnership, each partner shall be jointly responsible for the actions of the named licensee and store manager, and the conduct of the licensed business.

(b) If a corporation, the corporation, its officers and directors shall be jointly responsible for the actions of the named licensee and store manager, and the conduct of the licensed business.

(c) If a nonprofit organization, its officers, directors, or governing authority shall be jointly responsible for the actions of the named licensee and store manager, and the conduct of the licensed business.

(Ord. passed 08-NOV-18)

Sec. 7-4-11 DESIGNATION OF STORE MANAGER.

(a) When a license for the sale of any alcoholic beverage is applied for by any legal entity lawfully registered and doing business under the laws of the State of Georgia, the applicant shall also name an individual as store manager, or an individual member of the management team, who shall be responsible for managing and overseeing the proposed business of selling alcoholic beverages.

1. The manager must meet and maintain all requirements of an individual licensee as prescribed by this chapter; provided, however, any corporation or legal entity lawfully registered and doing business under the laws of the State of Georgia, which seeks to obtain any license under this chapter shall be required to designate a resident of Pike County as a store manager, or an individual member of the management team, for purposes of the initial application and all annual renewals.

2. Should the corporation have a change of management, or should the designated manager relocate so as to no longer be a resident of Pike County after the initial application, but prior to the annual renewal, the corporate licensee shall immediately notify the City of

Williamson through the City Clerk or Mayor of such change in writing no less than five business days from said change. For the duration of the time prior to the annual renewal, the corporation shall be permitted to provide the City of Williamson the name of its authorized agent, who must be a natural person and resident of the State of Georgia, authorized to receive notice of any violation of its license privileges or receive service of citation or service of process under the laws of the State. At no time shall the designated agent be a corporation, limited liability company, partnership, or other form business entity. The authorization described herein shall be delivered in writing with all other elements of the required application.

3. The corporation shall be required to designate an individual manager, or an individual member of the management team, who is a resident of Pike County prior to the annual renewal of any license issued pursuant to this chapter.

(b) Failure of a corporation or legal entity holding a retail alcoholic beverage license to immediately notify the City of Williamson through the City Clerk or Mayor of such a change in its authorized agent shall be grounds for suspension or revocation of the licensee's license, and shall be effective immediately upon notice having been provided by the City in writing.

(c) If such a named authorized agent should cease to possess or maintain all of the qualifications and requirements as are required of an individual license holder for the sale of similar alcoholic beverages, except the county residency requirement, the license of the legal entity or corporation responsible for the authorized agent may be suspended until the corporation or legal entity names an authorized agent who does meet and possess all such qualifications and requirements.

(d) When a license for the sale of alcoholic beverages is applied for by an individual person or partnership comprised of individual persons, the applicant shall also name a store manager who will be responsible for managing and overseeing the proposed business of selling alcoholic beverages. The manager must meet and maintain all requirements of an individual licensee as prescribed in this chapter, and must be a resident of Pike County.

(Ord. passed 08-NOV-18)

Sec. 7-4-12 CITIZENSHIP AND RESIDENCY REQUIREMENTS. No license for the sale of alcoholic beverages shall be granted to an applicant unless such applicant is:

(a) An individual at least 21 years of age who lawfully resides in the United States and is a resident of Pike County, Georgia; provided, however, that residency in the county shall not be a requirement if the applicant designates, as an agent, a resident of Pike County as store manager who shall be responsible for managing and overseeing the proposed business of selling alcoholic beverages and such designee is over the age of 21 and lawfully resides in the United States, and who shall be responsible for all matters relating to the license;

(b) Additionally, a licensee for the retail sale of distilled spirits in the original package must have been a resident of a county or municipality in the state, in which the retail sale of distilled spirits in the original package is legal, for one year immediately preceding the filing of the application for such license.

(c) A corporation organized under the laws of the state or authorized to do business therein, provided that said corporation shall be required to designate a manager in accordance with the provisions of section 7-4-17; or

(d) A partnership, all of whose partners are at least 21 years of age and residents of the state for at least one year preceding the date of application, provided that said partnership shall be required to designate a manager in accordance with the provisions of section 7-4-17.

(Ord. passed 08-NOV-18)

Sec. 7-4-13 LICENSE CONSTITUTES GRANT OF PRIVILEGE.

(a) All licenses issued under this article shall constitute a mere grant of privilege to carry on or conduct a business covered by such license during the term of the license, subject to the terms and conditions imposed by this chapter, and other applicable ordinances of the city and the constitution, laws and regulations of the State of Georgia and the United States of America applicable thereto.

(b) All licenses issued under this article shall have printed on the face the following words: "THIS LICENSE IS A MERE PRIVILEGE AND IS SUBJECT TO BEING REVOKED OR ANNULLED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLIAMSON AND IS SUBJECT TO THE LAWS, ORDINANCES, AND REGULATIONS OF THE CITY OF WILLIAMSON, NOW EXISTING AND HEREAFTER ADOPTED."

(Ord. passed 08-NOV-18)

Sec. 7-4-14 SUBMITTING FALSE APPLICATION. Any material omission of information, or untrue, or misleading information which is contained in an original, renewal, or transfer application for a license under this article shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license.

(Ord. passed 08-NOV-18)

Sec. 7-4-15 LICENSE FEES.

(a) The annual license fees for a permit or license issued hereunder shall be as determined from time to time by the Mayor and City Council and adopted annually with the City's schedule of fees.

(b) All such license fees shall be tendered in cash or by a cashier's check or certified check at the time application for such license is filed and shall be paid to City of Williamson, as revenue, upon the issuance of any such license. No such license shall be issued for more than one calendar year, and all such licenses shall terminate on the last day of the calendar year for which same were issued. In addition to the above retail license fees, there is assessed a prorated license fee, based on sales, in the amounts determined by the Mayor and City Council from time to time.

(c) The license fee herein imposed shall be paid by the wholesale dealers to the Clerk of City of Williamson by the tenth day of each month based upon the units of beer and wine sold during the previous month. Interest shall accrue on late payments at the rate of 9% per annum.

(d) The wholesale dealers shall keep true and correct records of all sales and shipments and shall render a sworn statement of the same accompanying the monthly report to the Clerk of the City of Williamson.

(e) Each retail licensee shall retain in his or her place of business the invoice of each purchase of malt beverages or wine for at least six months. All records as well as the premises of the licensee shall be subject to inspection by a duly authorized agent or representative of the City of Williamson at any time.

(f) All retail dealers licensed hereunder shall store all wine and malt beverages in their possession only on the premises for which the license is issued, unless given written permission from the issuing authority upon written application therefore for storage elsewhere.

(g) No new or renewal annual license shall be issued to any applicant for same as retail malt beverage or retail wine dealer if the applicant or owner of the business or any predecessor at the same business is, at the time of the application, indebted to City of Williamson for personal property taxes on inventory of the business applied for or for any other business operated in the City of Williamson.

(Ord. passed 08-NOV-18)

Sec. 7-4-16 APPLICATION FEE.

(a) Each application for a license under this chapter shall be accompanied by a non-refundable application fee in an amount as set by way of the adoption of the City's annual schedule of fees, which amount shall remain in effect until modified or amended by subsequent schedules adopted by the Mayor and City Council. Application fees shall be paid at the time the application is filed and shall not be refunded under any circumstances.

(b) No Alcoholic Beverage License shall be issued prior to approval by the Mayor and City Council.

(Ord. passed 08-NOV-18)

Sec. 7-4-17 DURATION OF LICENSES. All licenses, except as otherwise indicated, issued under this chapter shall be issued on a calendar year basis, and all licenses shall expire at midnight on December 31 of the year for which they are issued. License fees shall be prorated as follows: New applications received on and between January 1 and June 30 shall be assessed the full license fee. New applications received on and between July 1 and December 31 shall be assessed one-half of the license fee.

(Ord. passed 08-NOV-18)

Sec. 7-4-18 STANDARDS FOR GRANTING OR DENIAL.

(a) The Mayor and City Council, in passing upon any application for an alcoholic beverage license, at the final meeting thereon, shall be guided by the following factors as to whether to grant or to deny such application in the public interest and welfare:

1. Reputation, Character. The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.
2. Previous violations of local or state laws regarding the sale of alcoholic beverages. If the applicant is a previous holder of a license to sell alcoholic beverages, whether or not he has violated any law, regulation or ordinance relating to such business.
3. Manner of conducting prior alcoholic beverage business. If the applicant is a previous holder of a license to sell alcoholic beverages, the manner in which he conducted the business thereunder, especially as to the necessity for unusual law enforcement observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
4. Location. The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values. This shall also include:
 - (a) The character of the neighborhood immediately adjacent to the proposed location;
 - (b) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons; and
 - (c) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
- (5) Number of licenses in the vicinity. The number of licenses already granted for similar business in the area of the place for which the license is sought. This shall also include the proximity of the proposed location to any other establishment selling alcoholic beverages of any nature.
- (6) Previous revocation of license. If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an alcoholic beverages license suspended or revoked.
- (7) Payment of taxes. If the applicant and business are not delinquent in the payment of any local taxes.
- (8) Congregation of minors. Any circumstances which may cause minors to congregate in the vicinity of the proposed location.
- (9) Prior incidents. Evidence that a substantial number of incidents requiring law enforcement intervention have occurred within a square city block of the proposed location, if within the City of Williamson, during the 12 months immediately preceding the date of application. This should also include calls for other emergency services in the area.

(10) Previous denial or revocation. The denial of an application, or the revocation of a license, occurring within the preceding 12 months, which was based on the qualifications of the proposed location.

(b) If the application is denied, the Mayor and City Council shall cause a written report to be prepared showing the reason or reasons for the denial. The Mayor and City Council shall return the application showing its denial, together with the written report, to the City Clerk who shall notify the applicant of the denial within five days of the denial. Notice to the applicant shall be made in writing, showing the reason or reasons for the denial and the day and time of the next scheduled meeting of the Mayor and Council. The applicant may appeal the denial of the application by serving notice on the Mayor and Council requesting reconsideration of the application. The applicant shall serve said notice, in writing, within five days of the receipt of the denial of the application.

(c) On reconsideration, the Mayor and Council shall hear evidence offered by the applicant and any entity opposing the issuance of the license. The applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may question any opposing witnesses. At the close of the evidence, the Mayor and Council shall either uphold the denial or shall approve the issuance of a license.

(Ord. passed 08-NOV-18)

Sec. 7-4-19 PROCEDURE FOR CONSIDERATION OF APPLICATION; TEMPORARY LICENSES.

(a) The City Clerk shall promptly refer a copy of each application to the Pike County Sheriff's Office for a thorough investigation. The Sheriff's office shall report findings to the City Clerk or the Mayor. Such finding shall include a recommendation as to the qualifications of the applicant. The City Clerk has the responsibility and authority to request additional information as may be determined to be necessary in order for the City Clerk to accept the application as complete prior to its submission to the city council.

(b) A temporary license for a full pouring license, a limited pouring license, package malt beverage license, and package wine license may be issued by the City Clerk for a period of up to 60 days, provided the City Clerk is satisfied that the applicant substantially complies with the provisions of the applicable ordinances and meets required qualifications and the denial of a temporary license would create undue hardship upon the applicant, such as the closing of an existing business or delaying of the opening of a new business. The applicant shall sign an acknowledgment that the temporary license is a mere accommodation and may be revoked, with or without cause, by the City Clerk at any time.

(c) The fee for issuance of a temporary license shall be set by way of the adoption of the city's annual schedule of fees, which amount shall remain in effect until modified or amended by subsequent schedules adopted by the Mayor and City Council.

(Ord. passed 08-NOV-18)

Sec. 7-4-20 DENIAL OF LICENSE.

(a) After a hearing, should the city council deny an application, written notice of the denial shall be provided to the applicant by the city manager, shall set forth the reasons for the denial, and advise the applicant of the right to appeal.

(b) Any decision by the city council denying an license shall be final unless the applicant applies to the Superior Court of Pike County by filing a petition for writ of certiorari within 30 days of the decision rendered by the City Council.

(c) In all instances in which a license is denied, the applicant may not reapply for a license for at least one year from the final date of the denial.

(Ord. passed 08-NOV-18)

Sec. 7-4-21 GENERAL QUALIFICATIONS OF LICENSEES. No license under this article shall be granted where the application investigation or the evidence presented at a hearing before the Mayor and City Council shows any of the following conditions to exist:

(a) That the applicant or any person owning a direct or indirect beneficial interest in the license for which application is made is of bad moral character, or does not have sufficient mental capacity to conduct the business for which application is made, or has been dishonorably discharged from the armed services of the United States.

(b) That the applicant or any person having direct or indirect beneficial interest in the issuance of the license has had any license issued by the City of Williamson or by any other city in the State of Georgia, or by any other licensing authority in the State, relating to the manufacturing, distribution or sale of alcoholic beverages, previously suspended or revoked.

(c) That the applicant, or any person who shall have a direct or indirect beneficial interest in the license, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to such business within a ten-year period immediately preceding the date of the application for a license under this article.

(d) That any applicant for a retail license under this article is related to any distributor or wholesaler of alcoholic beverages within the first degree of consanguinity or affinity, as computed according to the laws of the state.

(Ord. passed 08-NOV-18)

Sec. 7-4-22 TRANSFERABILITY OF LICENSE.

(a) Except as provided in this section, no license shall be transferable to any other person or location. All applications seeking a transfer of a license in any respect shall be made upon application forms provided by the City Clerk and shall be accompanied by a non-refundable fee in an amount as set by way of the adoption of the City's schedule of fees, which amount shall

remain in effect until modified or amended by subsequent schedules adopted by the Mayor and City Council.

(b) If a licensee seeks to move his place of business from the licensed premises to another place within the city, application shall be made as for an original license.

(c) In the case of the death of an owner of a license, no sale of alcohol beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall apply to the City Clerk for authorization with the concurrence of the Mayor and City Council. The establishment shall then be allowed to continue to operate for a period of 60 days from the date of death, until expiration of the license, or until the approval of a new license, whichever shall first occur.

(d) A change in ownership status of the licensed establishment that does not change the actual ownership interest shall be eligible to apply for a transfer of license as provided herein. By way of example, a sole proprietor who decides to incorporate and be the sole shareholder of the new corporation, although in such circumstances information required from a corporation in an original application shall be provided.

(e) 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 and issuance of a new license.

(f) Where a license is issued to a corporation having as its principal business an activity other than the sale of alcohol beverages, a change in the named individual licensee may be permitted by the Mayor and City Council if the new named licensee meets the requirements of new license applicants.

(g) In the circumstances described in subsections (D) and (E) of this section, the license may be revoked if the Mayor and City Council determine that the change results in a failure to meet the requirements of this chapter.

(Ord. passed 08-NOV-18)

Sec. 7-4-23 HOURS OF OPERATION.

(a) Retail package licensees shall not engage in the sale of alcohol beverages except between the hours of 6:00 a.m. and 12:00 midnight Monday through Saturday. There shall be no sales on Sunday. Package licensees shall not permit their places of business to be open except between the hours of 6:00 a.m. and 12:00 midnight Monday through Saturday, except that where the primary business of a malt beverage package licensee or wine package licensee is other than the sale of alcohol beverages, such restrictive hours shall apply only with respect to the sale of malt beverages or wine.

(b) Consumption on the premises licensees shall engage in the sale of alcohol beverages only between the hours of 10:00 a.m. and 12:00 midnight, Monday through Saturday.

(c) The business hours of wholesale dealers shall be between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no sales on Sunday.

(d) Each retail beer dealer and retail wine dealer shall separate his or her stock of malt beverages or wine from any other nonalcoholic goods or merchandise as may be authorized hereunder to be sold on such licensed premises by a partition wall that reaches the ceiling or store same in a separate room so that the stock of malt beverages or wine may be closed off and locked at all times when the sale of the products is not authorized or is prohibited and all such malt beverages and wine shall be so closed off and locked at such times.

(Ord. passed 08-NOV-18)

Sec. 7-4-24 RETAIL PACKAGE LICENSES.

(a) Applicants may apply for one or more of the following type retail licenses:

1. **PACKAGE MALT BEVERAGE LICENSE.** Retail sale of malt beverages in the original package.
2. **PACKAGE WINE LICENSE.** Retail sale of wine in the original package.
3. **PACKAGE DISTILLED SPIRITS LICENSE.** Retail sale of distilled spirits in the original package.
4. **ANCILLARY WINE TASTING PROVISIONS.**

(a) The holder of a malt beverage and/or wine-only package store license shall be eligible for an ancillary wine/beer tasting license, respectively, to provide samples of wine/beer offered for sale to customers under the conditions set forth in this chapter.

(b) Wine/beer sampling shall be on limited occasions when a customer requests a sample of a wine/beer offered for sale within the premises or in conjunction with wine/beer education classes and sampling designed to promote wine/beer appreciation and education.

(c) Wine/beer tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises.

(d) Wine/beer sampling and tasting is only permitted within the enclosed portion of the premises.

(e) No open containers of wine or beer shall be removed from the licensed premises.

(f) Wine/beer sampling for customers shall be limited to no more than one time per week for a period not to exceed a consecutive two-hour period in any one day.

(g) Samples shall not exceed two ounces and no customer shall consume more than eight ounces in any two-hour period.

(h) Wine and/or beer bottles shall be opened only by the licensee or an employee and samples shall only be poured by the licensee or an employee.

(i) Holders of an ancillary wine/beer tasting permit shall not charge for samples or tasting but may accept donations for a charitable organization of their choice.

(j) There will be an annual fee to obtain an ancillary wine/beer tasting permit and the fee shall be set forth in the alcohol beverage license fee schedule and subject to change from time to time.

(k) The application shall be accompanied by the requisite fee in an amount as set by the city council.

5. **SPECIAL EVENT PACKAGE MALT BEVERAGE AND WINE LICENSE.** Retail sale of malt beverages and/or wine in the original package at special events.

(Ord. passed 08-NOV-18)

Sec. 7-4-25 RETAIL CONSUMPTION ON THE PREMISES LICENSES.

(a) Four classes of retail consumption on the premises licenses are available. Unless otherwise specifically provided in this chapter, retail consumption on the premises licenses are available only to eating establishments.

1. **LIMITED POURING LICENSE.** Retail sale of wine and/or malt beverages by the drink.

2. **BREW PUB.**

3. **FARM WINERY TASTING ROOM.** See Section 7-4-13.

4. **SPECIAL EVENTS LIMITED POURING LICENSE.** Retail sale of wine and/or malt beverages by the drink at special events. The above eating establishment restriction neither limits nor restricts the issuance of Special Events Limited Pouring Licenses.

(b) The application shall be accompanied by the requisite fee in an amount as set by way of the adoption of the City's annual schedule of fees, which amount shall remain in effect until modified or amended by subsequent schedules adopted by the city council. Service from more than one bar at a licensed location may be made upon payment of an additional fee per bar.

(Ord. passed 08-NOV-18)

Sec. 7-4-26 FARM WINE TASTING ROOM. There is hereby created a license for the business of operating a Georgia farm winery tasting room in conformance with the laws of the state and the city.

(a) Under this section, the licensee shall be authorized to carry on the business of operating a farm winery tasting room in the licensed premises. For the purposes of this section, upon application, a certain location may be designated by the mayor and council as a special entertainment district pursuant to O.C.G.A. § 3-6-21.2. Such designation is made solely for the purpose of allowing Sunday sales in a farm winery tasting room.

(b) The farm winery tasting room created by this section is limited to farm wineries licensed by the state and allows the licensee to deal in its farm winery products pursuant to state law. No

license is created by this section authorizing any other person to deal in any other alcohol beverage.

(Ord. passed 08-NOV-18)

Sec. 7-4-27 RETAIL PACKAGE SALES AND RETAIL POURING SALES.

(a) Malt beverages and wines, foreign and domestic, sold by retail beer and wine dealers, within the City of Williamson may be sold in retail stores duly authorized to operate under both a state and local license as well as in establishments duly issued pouring licenses in conjunction with the sale of food or as a special events venue.

(b) For those establishments authorized for retail package sales only, said sales shall be sold only in sealed containers and shall not be opened for consumption or for any other purpose on the premises where sold. Such retail package store for the sale of either malt beverages or wines, or both, shall be located in a building of the conventional type and construction customarily used for the retail sales of groceries and related merchandise or for the service of motor vehicles, and the minimum ground floor area of any such building so used for the sale of malt beverages or wine, or both, shall not be less than 500 square feet and all such sales shall be made only on the ground floor of the building so used. The retail sales of groceries and retailers merchandise or the servicing of motor vehicles and the retail sale of gasoline and oil and related merchandise may be made or done by a retail beer dealer or a retail wine dealer in the same building used as a package store for the sale of malt beverages or wine, or both. All buildings must conform to the City of Williamson Municipal Code. The “premises” for golf courses, both public and private, shall be considered the actual clubhouse building, and shall not include the greens, trees, fairways, and other related areas associated with outdoor golfing activities. In regards to alcoholic beverages, golf courses shall be further restricted as follows: alcohol can only be consumed by those actually participating in outdoor golfing activities.

(c) For those establishments issued a “pouring” license issued hereunder, authorizing the sale of beer and/or wine by the drink in conjunction with the sale of food, said licensee shall be authorized to sell malt and/or wine beverages for consumption by the purchaser on the premises of the licensee only, provided such sale is in accordance with the regulations set forth herein.

(Ord. passed 08-NOV-18)

Sec. 7-4-28 RETAIL DEALER QUALIFICATIONS.

(a) The retail beer dealer and the retail wine dealer must be of good moral character, a citizen of the United States and a bona fide resident of Pike County, including all municipalities therein, for at least six months prior to making application for a retail license as such dealer. Any applicant for a license as a retail dealer, however, may designate an agent for the purposes of meeting the residency requirements. Said agent may either be an employee of the applicant, an agent designated by resolution or in writing by the applicant, or have a “legal” interest in connection with the business and applicant.

(b) All such licenses to retail beer dealers and retail wine dealers shall be subject to the following provisions in addition to the requirements set forth in section 7-4-5 through section 7-4-12.

1. No license shall be granted to any applicant who shall have been convicted of a felony or of a crime involving moral turpitude or of a violation of any state or federal law with reference to intoxicating liquors, wines or malt beverages, nor shall any such dealer have an agent or employee selling, handling or dealing in malt beverages or wine, as licensed hereunder, who shall have been convicted of a felony or of any crime involving moral turpitude or of a violation of any state or federal law with reference to intoxicating liquors, wines or malt beverages.
2. Upon making application for such license as a retail beer dealer or as a retail wine dealer, the applicant shall be required to divulge the names of any and all persons who have or will have any interest, monetary or otherwise, in the business to be operated under such license, and the applicant shall set forth the proposed location for any such business operation.
3. The applicant for any such license shall be the owner or the lessee of the building and premises on which he or she shall operate a business as a retail beer dealer or a retail wine dealer.
4. Any retail beer dealer or any retail wine dealer so licensed hereunder shall actively participate in the management, conduct and operation of such licensed business and shall be solely responsible for the management and operation of the business for which such license is granted.
5. Each application for a license hereunder as a retail beer dealer or a retail wine dealer shall be verified by the sworn statement of the individual applicant, and all such applications shall be filed with the Clerk of the City of Williamson before any license is issued hereunder. Any misrepresentation or concealment of fact in any such application shall constitute grounds for the revocation of such license.
6. The discretionary authority and power as to the granting, refusing or revoking of any such license or permit is conferred by law upon the governing authority of City of Williamson and, accordingly, it shall be within the sole discretion of the Mayor and City Council of the City of Williamson to issue or to refuse to issue a license upon any such application, and likewise it shall be within the sole discretion of the Mayor and City Council to revoke any such license which has been issued hereunder.

(Ord. passed 08-NOV-18)

Sec. 7-4-29 WHOLESALE DEALER QUALIFICATIONS. The wholesale beer dealer and the wholesale wine dealer shall likewise be required to obtain a license or permit hereunder before selling or distributing any malt beverages or wine within the City of Williamson. Such licenses shall be issued only to those parties who are licensed by the State of Georgia to sell and distribute malt beverages or wine, or both, as a wholesale dealer of such products. Any such dealer, before obtaining a license or permit hereunder, shall first make verified application

under oath to the Mayor and City Council of the City of Williamson for the issuance of same on such forms as may from time to time be prescribed by the Board, and the applicant shall present evidence to the Board showing that he or she has knowledge of the pertinent laws of the State of Georgia and regulations of this Board pertaining to the sale or distribution, as a wholesale dealer, of malt beverages and wines in the City of Williamson, Georgia, and that he or she will comply with all such laws and regulations.

(Ord. passed 08-NOV-18)

Sec. 7-4-30 REGULATIONS OF RETAIL DEALERS. No retail beer dealer and no retail wine dealer holding a license or permit hereunder, nor any agent or employ of any such dealer, shall do any of the following acts or permit same to be done upon the licensed premises:

- (a) Sell or deliver malt beverages or wine to a minor;
- (b) Sell or deliver malt beverages or wine to any person while such person is in an intoxicated condition;
- (c) Sell or deliver malt beverages or wine upon the licensed premises at any time other than the times set forth in section 7-4-23, Hours of Operation; or, sell or deliver malt beverages or wine on Christmas Day or within 250 feet of the City of Williamson municipal polling place on any day in which an election is being held within the City of Williamson;
- (d) Permit on the licensed premises any disorderly conduct, breach of the peace or any lewd, immoral or improper entertainment conduct or practices;
- (e) Install any sign or advertisement of the character or nature of the business being operated on the exterior of the building in which said business is operated or in any window or door or at any place outside such building, whether on the same premises or not, with the exception of one sign bearing no more than the trade name of the business and the further designation of either "Beer Package Store," "Wine Package Store" or "Beer and Wine Package Store," as the case may be;
- (f) To employ any person under 18 years of age to sell beer or wine under the privilege of the license;
- (g) To maintain any type of amusement or music machine on the licensed premises, except a radio or a television, or both;
- (h) To allow any purchase of malt beverages or wine made on the licensed premises to be taken therefrom until put in a bag or otherwise securely wrapped in paper by the proprietor or clerk operating such licensed business;
- (i) To receive malt beverages or wine delivered to the licensed premises of any retail beer dealer or retail wine dealer by any means other than a vehicle or conveyance owned or operated by a wholesale beer dealer or a wholesale wine dealer licensed hereunder as such wholesale dealer.

(Ord. passed 08-NOV-18)

Sec. 7-4-31 MERCHANDISE AND SALES RESTRICTIONS. This section applies to specialty package retailers, grocery stores, discount/general merchandise department stores, and convenience stores.

(a) Where malt beverage or wine sales are licensed in conjunction with a specialty package retailer, grocery store, discount/general merchandise department store, or convenience store, no licensee shall sell or offer to sell any firearms, ammunition, or weapons of any character.

(b) During those hours and on those days when alcoholic beverages are not permitted to be sold, it shall be the duty of the licensee to remove all alcoholic beverages from its shelves or otherwise secure the inventory in such manner as to notify customers that these products are not available for sale at that time.

Sec. 7-4-32 REGULATIONS OF WHOLESALE DEALERS. The wholesale beer dealer and the wholesale wine dealer, as may be licensed hereunder, shall comply with all federal and state laws governing the distribution or sale of intoxicating liquor, malt beverages or wines and with all pertinent ordinances and regulations as may from time to time be adopted or promulgated by the governing authority of City of Williamson pertaining to the distribution or sale of same. (Ord. passed 08-NOV-18)

Sec. 7-4-33 POURING LICENSES.

(a) Issuance of Pouring License. The City of Williamson Mayor and City Council may issue “pouring licenses” to any retail beer and/or wine dealer subject to the provisions set forth herein; and said license shall authorize the licensee to sell malt and/or wine beverages for consumption by the purchaser on the premises of the licensee only.

(b) Annual License Fee. The annual license fee for each pouring license shall be paid in full prior to the issuance of any license, and no portion of the same shall be refundable under any circumstances.

(c) Conditions of Pouring Licenses. Each license issued under this Code shall be held by the licensee subject to the terms and conditions of this Code and shall be subject to suspension or revocation in accordance with the terms and provisions of this Code including the following:

1. In conformity with state law, it is unlawful, and no malt beverage license, package, nor wine license, package, shall be issued to any establishment located within 100 yards of any school building, school grounds, or college campus. This prohibition shall not apply to any location for which a license has been issued prior to July 01, 1981, and in effort continuously since that time, nor to the renewal of such license. Nor shall this prohibition apply to any location for which a new license is applied for if the sale of the beverage for which a license is applied for was lawful at such location at any time during the 12 months immediately preceding such application. As used in this subsection, the term “school building” shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of OCGA 20-2-690.

2. In conformity with state law, it is unlawful, and no license, of any type, for the sale of malt beverages or wine shall be issued to any establishment within 100 yards of an alcoholic treatment center owned and operated by the state, county, or city, unless such establishment has had such a license in effect, continuously since July 01, 1981.

3. It shall be unlawful for any person, firm, or corporation to erect or place, within the public view, any signs advertizing or giving notice of the fact that either beer or wine is available for sale or consumption, at any location, if the parcel of land leased, owned, or used by the licensee is at its nearest point, within 300 feet of the nearest point of any parcel of land on which is situated any school, public park, public recreational facility, or the main auditorium or sanctuary of any church.

4. (a) As used in this subsection, the term “housing authority property” means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article I of Chapter 3 of Title 8, of the Official Code of Georgia, the “Housing Authorities Law.”

(b) No person knowingly and intentionally may sell alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a licensee has been issued prior to July 01, 2000, nor to the renewal of such license. Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

5. In order to qualify for a pouring license for malt beverages or wine, the licensed business must derive more than fifty percent (50%) of its gross revenues, exclusive of receipts from non-participatory on-site entertainment, from the sale of food actually prepared on the premises. This fifty percent requirement does restrict the issuance of a Special Events Facility Consumption on the Premises License as described in section 7-4-36.

(a) The application for a pouring license shall contain a specific statement, under oath, that the licensed business meets the requirements set forth in this subsection. In the event the business has been in operation for less than thirty (30) days, the application shall contain a statement, under oath, that applicant anticipates that the business will be in compliance with this subsection within sixty (60) days of the date of issuance, and that, not later than the sixtieth (60th) day from the date of the license, the applicant will either file a statement with the county, under oath, stating that the establishments sales are in compliance with this subsection; or, the applicant will surrender its pouring license, and return the license to the county. Failure to provide either the written compliance statement or the surrender of the license may result in the immediate termination of the license by the county.

(b) Each pouring license shall be issued subject to the condition that the licensed business continually comply with the requirements of this ordinance; in the event the licensee's sales fail to comply with the requirements of this ordinance for two consecutive months, the licensee shall report such noncompliance to the City of Williamson within ten (10) days following the close of such second month, and shall thereupon surrender its pouring license.

(c) Each license issued for consumption on the premises shall also be subject to the conditions that the licensee must make, and keep for a period of at least two (2) years, true and correct business records reflecting the following:

- (i) The number of beer and wine sales;
- (ii) the sales price of each beer and wine sale;
- (iii) the monthly gross receipts of the business;
- (iv) the monthly gross receipts from non-participatory on-site entertainment;
- (v) monthly gross receipts from sale of alcoholic beverages; and
- (vi) monthly gross receipts from sales of food actually prepared on the premises.

(d) The City of Williamson shall have the right to inspect the books and records of the licensee at any time during business hours to determine whether the licensee's records and sales are in compliance with this subsection. Each licensee shall be under a duty, at the request of the county, to produce its records for such inspection.

(e) The failure of a licensee to meet the requirements of this subsection, or to comply with a request to produce its business records, shall be cause for termination of the license(s).

6. It shall be unlawful to sell malt beverages or wine, by the packages, unless the licensee, at the point of such sale, places the same in a fully opaque bag or box.

7. If there were in existence any malt beverage or wine licenses on April 01, 2000, which allowed consumption either of said beverages on the premises of an establishment, which does not meet the requirement of subsection (d) of this section, the type license in effect on that date shall continue to be valid and sales thereunder shall not be unlawful, and such licenses may be renewed annually by the licensee and may be transferred to any purchaser of such licensee's business who qualifies for a malt beverage or wine license so long as such license remains in continuous use; in the event of the death of any such licensee and a resulting cessation of use of such license occurs, such license shall be renewed in the name of the successor in title to the business of such licensee if application for such renewal is made with ninety (90) days of the date of death of such licensee.

8. For the purposes of this ordinance, distances shall be measured by the most direct route of travel on the ground.

(d) Possession of Open Containers in Licensed Establishments Other than in Dining Areas. It shall be unlawful for any person, other than employees who serve beverages, to possess an

open container of any alcoholic beverage at any place in a licensed establishment other than within the dining area of an establishment holding a pouring license under this Code.

(e) As a condition of retaining the license under this Code, each licensee holding a pouring license shall place a minimum of two (2) signs in the dining area of the business stating:

“NOTICE – IT IS UNLAWFUL TO POSSESS AN OPEN CONTAINER OF AN ALCOHOLIC BEVERAGE OUTSIDE THE DINING AREA.”

Each such sign shall be at least twelve (12”) inches by twelve (12”) inches with lettering at least two (2”) inches in height. The prohibition and requirements set forth in paragraphs (A) and (B) shall not apply to any location holding a pouring license on April 1, 2000, so long as the owner of the licensed business as of said date continues to own such business.

(f) Pouring licenses for golf courses, both public and private, shall be restricted to those courses with country clubs (“premises”) large enough to sustain a full-time, professional food service staff. Golf courses qualified and applying for pouring licenses shall be subject to all other requirements of this ordinance. In regards to alcoholic beverages, golf courses shall be further restricted as follows: alcohol can only be consumed by country club members and/or those actually participating in golfing activities.

(Ord. Passed 08-NOV-18)

Sec. 7-4-34 BROWNBAGGING. Brownbagging, as defined in this chapter, is prohibited within the city. Any person who brownbags, participates in consumption of any alcoholic beverage being brownbagged, or any licensee or employee of a licensed establishment in whose presence brownbagging knowingly or with reckless indifference occurs, shall be in violation of this section.

Sec. 7-4-35 ALCOHOLIC BEVERAGE CATERERS.

(a) License requirements, resident caterers.

(1) Any alcohol beverage caterer who possesses a valid license from the City to sell malt beverages or wine by the drink at a fixed location within the City may apply for an off-premises license that permits sales at authorized catered events or functions.

(2) Each off-premises catering license, authorized herein, shall be valid only for the event for which the license is issued. The fee for each license shall be set by way of the adoption of the city's annual budget, which amount shall remain in effect until modified or amended by subsequent budgets adopted by the Mayor and City Council.

(3) It shall be unlawful for any person to engage in, carry on, or conduct the sale of alcohol beverages off-premises and in connection with a catered event of function without first having obtained a license as provided herein.

(4) Any caterer may dispense alcohol beverages without a license provided that the caterer does not sell the alcohol to either the host of the catered event or to the guests of the catered event.

(5) All employees or others acting for the caterer must possess a valid pouring permit as provided in this chapter if the employee or other such person is selling or dispensing alcohol beverages.

(b) Permit requirements, nonresident caterers.

1. A nonresident caterer shall submit an application for an off-premises event, which may be a single-day or multiple-day event that does not exceed more than 30 consecutive days, to the City Clerk. If the nonresident caterer will sell alcohol to either the host of the catered event or to the guests of the catered event, the nonresident caterer must possess a valid license from another jurisdiction in the state for pouring alcohol beverages. The fee for each such permit shall be the maximum authorized by O.C.G.A. § 3-11-3, as amended. Once the application has been approved by the City Clerk and the fee submitted to the City, the nonresident caterer shall be an alcohol beverage caterer for the event or function as defined in this chapter.

2. An application for an event permit shall include the name of the caterer, the date, address, time, and name of the event and the quantity and type of alcohol beverages to be transported from the licensee's primary location to the location of the authorized catered event or function.

3. The original event permit shall be kept in the vehicle transporting the alcohol beverages to the catered event or function.

4. It shall be unlawful for an alcohol beverage caterer to distribute, sell, or otherwise dispense alcohol beverages off-premises except as authorized by the event permit.

5. All employees or others acting for the alcohol beverage caterer must possess a valid pouring permit as provided in this chapter if the employee or other such person is selling or dispensing alcohol beverages.

(c) A licensed alcohol beverage caterer may sell only that alcoholic beverage which is authorized by the alcoholic beverage license issued to the caterer by the City or other licensing agency.

(d) Excise taxes are imposed upon the sale of alcohol beverages by a resident caterer as provided in this chapter.

(e) Excise taxes are imposed upon the sale of alcohol beverages served by a nonresident caterer in the amounts set forth in this chapter and shall be paid within 30 days after the conclusion of the catered event or function.

(Ord. passed 08-NOV-18)

Sec. 7-4-36 SPECIAL EVENTS FACILITY. In order to be eligible for a consumption on the premises license, a special events facility must:

(a) Be available to public or private groups of persons; and

- (b) For monetary consideration on a rental, fee, percentage, or similar basis, be used primarily for special occasions, including, but not limited to, weddings, receptions, meetings, banquets, conventions, parties, catered events, or similar gatherings; and
- (c) Be open to or attended by invited or selected guests or paying patrons only; and
- (d) Be an enclosed structure or outdoor area with controlled ingress/egress; and
- (e) Not create a nuisance or a cause for noise complaints from surrounding residential areas.

(Ord. passed 08-NOV-18)

Sec. 7-4-37 ALCOHOL HANDLING PERMITS REQUIRED. All persons who sell, handle or serve alcoholic beverages at a business or event requiring an Alcoholic Beverage License, either in the original package, or by any other means are required to maintain valid Alcohol Handling Permits.

- (a) Owners/Managers, Alcohol Servers, and Handlers in any establishment that sells or serves alcoholic beverages in the City of Williamson. All applicants must undergo a background check to verify eligibility to receive a permit.
- (b) Alcohol Handling Permits which are valid for sales and/or service of alcohol for a one or two-year period, depending on the type of establishment.
- (c) Procedures for obtaining and renewing Alcohol Handling Permits are detailed in the City of Williamson Alcohol Handling Permit Procedures document available at City Hall.

Sec. 7-4-38 EXCISE TAXES. The City of Williamson Mayor and City Council is authorized by state law to impose excise taxes on all beer and/or wine sold within the City of Williamson, Georgia, in addition to the amounts of excise taxes imposed by the State of Georgia. The Mayor and City Council directs the City's collection of the maximum amount of excise tax authorized by state law to be collected by the county for the sale of beer and/or wine within the City.
(Ord. Passed 08-NOV-18)

Sec. 7-4-39 SALES AND CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY.

- (a) Except as provided in subsections (b) and (c) of this section, it shall be unlawful for any person to sell, serve, or otherwise dispense any alcohol beverage in a street, alley, or parking lot commonly used by the public or in any other public place or on public property.
- (b) Private parties and organizations may apply for a permit from the City of Williamson to serve, sell, or otherwise dispense alcohol beverages on property owned or leased by the City.
- (c) An outdoor festival host holding the required special event permit may allow or prohibit alcohol consumption at the outdoor festival in a City park and shall have the right to require that alcohol consumed at the outdoor festival be purchased or obtained from an official outdoor festival vendor. Such authorization and/or limitations shall be set forth on the application for the special event permit.

(Ord. passed 08-NOV-18) Penalty, see sec. 1-1-5.

Sec. 7-4-40 FUTURE RESOLUTIONS, PROPERTY RIGHTS, ADDITIONAL REGULATIONS.

(a) All the provisions of this chapter are and shall be subject to the regulations hereinafter prescribed by this body, as the same may be from time to time amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual license fees; the pro-rated license fees, based on sales; the qualifications of licensees; the proscriptions on advertising and restrictions on the business locations of licensees and buildings in which said businesses are operated; the control of customers doing business with licensees; and any and all other matters which this body may deem advisable to set forth for the proper control and regulations of the sale and consumption of malt beverages and wine in City of Williamson; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such rules or regulations as may be then or thereafter in force; and all such licenses shall convey to the licensee no property rights but only a privilege which may be revoked by this body.

(b) Each retail beer dealer and retail wine dealer shall separate his or her stock of malt beverages or wine from any other nonalcoholic goods or merchandise as may be authorized hereunder to be sold on such licensed premises by a partition wall that reaches the ceiling or store same in a separate room so that the stock of malt beverages or wine may be closed off and locked at all times when the sale of the products is not authorized or is prohibited and all such malt beverages and wine shall be so closed off and locked at such times.

(Ord. passed 08-NOV-18)

Sec. 7-4-41 SUSPENSION OR REVOCATION OF LICENSE.

(a) A license may be suspended or revoked by the City for any violation of this chapter; for any violation of state laws and regulations relating to alcohol beverages; 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) When suspension of a license is permitted under this chapter, but no specific period of suspension is mandated, the following guidelines shall apply:

1. First suspension in a 12-month period of time shall not exceed 30 days.
2. Second suspension in a 12-month period of time shall not exceed 60 days.
3. Third suspension in a 12-month period of time shall cause revocation of the license and result in the inability of the licensee to obtain a license from the city for a term of three years from the date of revocation.

(c) Prior to the suspension or revocation of a license by the City, the City Clerk shall give written notice to the licensee of the time, place, purpose of the hearing, and a statement of the charges upon which the hearing before the Williamson alcohol license review board shall be held in accordance with section 7-4-41. Service of such notice shall be by personal service on the registered agent. If personal service fails, the notice shall be mailed by certified mail to the registered agent at the address provided and to the named licensee at the licensed premises. Delivery shall be deemed to take place on the third day following deposit in the United States mail.

(Ord. passed 08-NOV-18)

Sec. 7-4-42 LICENSE REVIEW BOARD: HEARINGS.

(a) There is hereby established a Williamson Alcohol License Review Board ("board") consisting of five members appointed by the Mayor and subject to approval by the City Council. Each member shall serve a term of four years, except that upon appointment of the initial members of the board, the initial terms may be staggered.

(b) The board shall have the following duties:

1. To hear deferred applications or appeals from administrative decisions by the City with regard to issuance, suspensions, or revocation of licenses, transfers, renewals, change of ownership, or other matters affecting such licenses or decisions by the City pursuant to this chapter.
2. To hear appeals with regard to issuance or renewal of employee pouring permits.
3. To hear any matter involving revocation or suspension or a license or other disciplinary action against a licensee or employee under a pouring permit.
4. To consider and act upon any other matter specifically delegated to the board by City ordinance, resolution, or action of the City Council.

(c) Applicants or licensees shall be given written notice of the date, time and place when the board will consider the respective matter. The applicant and interested parties shall be afforded the opportunity to be heard by the board and present evidence to the board prior to making its decision. Except as may be otherwise specifically provided, no alcohol beverage license having been issued shall be suspended or revoked except for due cause, as defined in this section, until after a hearing and upon written notice to the holder of such license of the time, place, purpose of the hearing, and a statement of the charge upon which the hearing shall be held. Ten days' notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the board may deem the circumstances to justify. Due cause for the suspension or revocation of a license shall consist of the violation of any laws or ordinances regulating the business; the violation of any state or federal law; any reason which would authorize the City to refuse the issuance of a license; or any violation of this chapter. Further, the Pike County Sheriff's Department shall notify the City Clerk if the licensee or anyone in the employ of a licensee is:

1. Being charged with or arrested for selling alcohol beverages:
 - (a) To an underage person;
 - (b) On Sunday without necessary Sunday sales license; or
2. Being convicted of selling alcohol beverages to an intoxicated person pursuant to O.C.G.A. § 3-3-22 during the current license year. Once the Mayor and City Council becomes aware of such charge, arrest, or conviction, the matter shall be placed before the board for hearing. The board, at said hearing and after receiving evidence, may order the license to sell or serve alcohol beverages be suspended or revoked if the evidence so warrants. All

decisions of the board shall be in writing, and a copy shall be furnished to the applicant or licensee.

(d) The board shall have the authority to hear or determine any matter set forth in this chapter unless specifically prohibited therefrom.

(e) Upon close of the public hearing, the board shall reach a decision on the matter before it, and the decision of the board shall be final unless the applicant, licensee, or permit holder appeals the decision to the city council within ten days of the date of its written decision. The appeal shall be in writing and filed with the City Clerk. Within 30 days of the filing of the appeal and at a regularly scheduled meeting, the Mayor and City Council shall conduct a de novo hearing to hear evidence and, at the conclusion of such hearing, shall render a decision to uphold the decision made by the board, reverse the decision made by the board, or in its discretion, modify the decision made by the board.

(f) The decision of the council as rendered on an appeal under this article shall be final unless the applicant, licensee or permit holder applies to the Superior Court of Pike County by filing a petition for writ of certiorari within 30 days of the decision rendered by the council.

(g) The board shall meet at such times as necessary as determined by the board and shall render its decisions within 30 days after the close of a hearing on any matter. Three members of the board shall constitute a quorum, and all decisions of the board shall require a majority vote of the quorum. Such meeting shall not be scheduled later than 30 days from the time a matter is filed for hearing or appealed to the board.

(h) The board shall select one of its members to serve as chair and one member to serve as secretary, both to serve at the pleasure of the board. Minutes and records of all proceedings shall be kept and maintained in the office of the City Clerk.

(Ord. passed 08-NOV-18)

Sec. 7-4-43 ENFORCEMENT.

(a) The violation of any provision of this chapter, except sec. 7-4-37, shall be grounds for immediate revocation of any license or permit issued hereunder.

(b) Any license issued hereunder shall be a mere grant of the privilege to carry on such licensed business during the term of such license or permit subject to all the terms and conditions imposed by this chapter or any further ordinance or resolution of this body pertaining thereto, and any such license shall be subject to revocation at any time by the Mayor and Council of the City of Williamson or a duly authorized official, agent or employee. In case of such revocation, the licensee shall not be entitled to a refund of any license fee paid hereunder.

(c) Any such license issued hereunder shall contain the following: "This license is a mere privilege subject to be revoked or annulled by the Mayor and City Council of the City of Williamson, Georgia." Notice of the revocation of any such license by the Mayor and Council shall be given immediately to the licensee personally or by attaching such notice to the front door or front exterior wall of the licensed premises. Upon the delivery of any such notice, either

personally or by affixing same to the licensed premises as aforesaid, such revocation shall become effective and shall continue in effect for the remainder of the calendar year or until such time as such revocation may be terminated, annulled or rescinded by the Mayor and Council of the City of Williamson. The licensee, upon any such revocation, shall have the right to appeal such revocation within ten days after notice thereof has been given as aforesaid by filing with the City Clerk of the City of Williamson an appeal in substantially the following form: "I appeal the decision of the Mayor and City Council of the City of Williamson in revoking my permit or license on the ___ day of ____, 20__," inserting the date of such revocation in the appropriate blank spaces, and thereupon such appeal shall be heard within 20 days after its filing, by the Mayor and Council or any three persons designated by the Mayor and City Council for such purpose, and a decision on such appeal shall be rendered within ten days after such hearing is completed either upholding such revocation or terminating, annulling or rescinding same. The licensee shall not operate any business licensed or permitted hereunder during any such period of revocation.

(Ord. passed 8-NOV-18) Penalties, see sec. 1-1-5

Sec. 7-4-44 EFFECTIVE DATE. This Ordinance and Chapter shall become effective 8 November, 2018.

(Ord. Passed 08-NOV-18)

Title 8 MOTOR VEHICLES AND TRAFFIC

Chapters:

- 8-1 General Provisions
- 8-2 Traffic Regulations
- 8-3 Parking Regulations

Chapter 8-1 GENERAL PROVISIONS

Sections:

- 8-1-1 Uniform Rules of the Road adopted.
- 8-1-2 Temporary traffic regulations.
- 8-1-3 Vehicle cover required.
- 8-1-4 Traffic, speed, truck, parking and other zones, signs and traffic control devices; schedule.
- 8-1-5 Obstruction of view and use by trees and shrubs; notice.

Sec. 8-1-1 UNIFORM RULES OF THE ROAD ADOPTED. Pursuant to chapter 6 of title 40, code sections 40-6-372 through 40-6-376, sections 40-6-1 through 40-6-354 of that chapter known as the Uniform Rules of the Road, are hereby adopted as and for the traffic regulations of the City with like effect as if recited herein.

Sec. 8-1-2 TEMPORARY TRAFFIC REGULATIONS. In cases where traffic upon the streets of the town may become congested upon occasions of parades, at theaters and other public

assemblages where large numbers of vehicles are assembled, the Mayor and Council may make temporary rules directing and regulating the traffic in these congested districts, and any person, after being warned of the temporary traffic regulations, who shall violate them shall be liable therefor as for other violations of this code.

Sec. 8-1-3 VEHICLE COVER REQUIRED. No person shall operate or load any vehicle on the public streets and roads of this town unless the vehicle is constructed, loaded and securely covered so as to prevent any of its load from dropping, escaping or shifting in such a manner as to create a safety hazard or in such a manner so as to litter the streets and roads of the City.

Sec. 8-1-4 TRAFFIC, SPEED, TRUCK, PARKING AND OTHER ZONES, SIGNS AND TRAFFIC CONTROL DEVICES; SCHEDULE.

- (a) The Mayor and Council, shall designate and maintain with appropriate traffic control signs, markings and devices after engineering and traffic investigations:
- (1) speed zones;
 - (2) truck routes and streets to be designated specifically to prohibit various classes of trucks;
 - (3) one-way streets and other directional control devices;
 - (4) freight loading zones and regulations;
 - (5) parking and no parking zones and regulations thereon;
 - (6) stop, yield and other right-of-way signs; and
 - (7) stop signals and other traffic signals.
 - (8) pedestrian crosswalks;
 - (9) other safety zones for pedestrians;
 - (10) traffic lanes; and
 - (11) any other sign, marking or zone necessary for orderly and safe conditions on the streets of the City.
- (b) The City clerk shall maintain or cause to be recorded a current schedule of all traffic rules, regulations and orders under this section, which record shall be available for inspection by the public. For items listed in subsection (a) above, this schedule, and any amendments thereto, shall become effective only upon approval thereof by ordinance of the Mayor and Council and this schedule is hereby incorporated herein and copies thereof shall be available for public inspection in the office of the City clerk.
- (c) All traffic control signs, signals, devices and markings shall conform to specifications in the "Manual on Uniform Traffic-Control Devices" adopted by the state transportation board. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the City. All traffic control devices so erected

and not inconsistent with the provisions of state law or this code shall be official traffic control devices of the City.

- (d) Any violation of any traffic zone, marking, sign or other traffic control device established hereunder shall be a violation of this code.

Sec. 8-1-5 OBSTRUCTION OF VIEW AND USE BY TREES AND SHRUBS; NOTICE.

- (a) No person owning, occupying or in anywise controlling property in this City shall permit any tree, bush or shrub on the property to project over any street or sidewalk of this town so as to obstruct or interfere with the view and use of persons walking or riding in a vehicle on the street or sidewalk or of other persons or vehicles approaching from cross or intersecting streets.
- (b) It shall be unlawful for any person, whether the owner, tenant, agent or person controlling property in the City to fail to remove any tree, bush or other obstruction from the streets or sidewalks of this City within 10 days after notice is given by the town to do so.

Chapter 8-2 VEHICLES AND TRAFFIC REGULATIONS

Sections:

- 8-2-1 Free flow of traffic; obstruction prohibited.
- 8-2-2 Speed limits established.
- 8-2-3 Traffic signs, signals and markings.
- 8-2-4 Tracked vehicles prohibited on streets.
- 8-2-5 Trains.
- 8-2-6 Penalty for violation.

Sec. 8-2-1 FREE FLOW OF TRAFFIC; OBSTRUCTION PROHIBITED. All persons are prohibited from engaging in driving procedures which obstruct the free flow of traffic in, around, over and through the streets, alleyways and other public ways of the town. Any person is prohibited from stopping his vehicle (except at a stop signal or stop sign, or to honor another driver's right-of-way, or in an emergency situation) in a manner as to obstruct the free and orderly flow of traffic by the maneuver, or to engage in unduly slow driving procedures so as to obstruct the free flow of traffic or to needlessly "circle the block" or dawdle or make unnecessarily rapid accelerations and decelerations or to in any other manner constitute a traffic nuisance or hazard.

Sec. 8-2-2 SPEED LIMITS ESTABLISHED.

- (a) No person shall operate any motor vehicle or tractor upon any of the streets and highways of the City at a greater speed than is reasonable and proper having regard to the width, traffic and use thereof, or so as to endanger the property or life or limb of any person.
- (b) Thirty miles per hour shall be the maximum speed on all streets or portions of streets within the City unless otherwise indicated by officially posted signs designating the maximum

vehicular speed upon those streets as approved by the Mayor and Council. (Ord. dated 1/27/58)

Sec. 8-2-3 TRAFFIC SIGNS, SIGNALS AND MARKINGS. All traffic shall obey and be directed by official traffic control signals, signs and markings erected at street intersections and other locations now or hereafter approved by the Mayor and Council.

Sec. 8-2-4 TRACKED VEHICLES PROHIBITED ON STREETS. It is unlawful for any person to operate any tracked or other vehicle having metal tracks or wheels upon the City streets.

Sec. 8-2-5 TRAINS. No train shall block any public street within the City for more than ten minutes. (Ord. dated 11/8/50)

Sec. 8-2-6 PENALTY FOR VIOLATION. Any person who shall violate any provision of this chapter shall, upon conviction be punished as provided in section 1-1-5 of this code.

Chapter 8-3 Motorized Carts, Electric Bicycles And Other Low Speed Motorized Vehicles

Sections:

- 8-3-1 Findings; Definitions
- 8-3-2 Registration/Transfer Requirements
- 8-3-3 Operation Regulations
- 8-3-4 Authorized Recreation Path Users
- 8-3-5 Prohibited Uses
- 8-3-6 Liability
- 8-3-7 Penalties
- 8-3-8 Enforcement

Sec. 8-3-1 FINDINGS; DEFINITIONS.

- (a) The Mayor and City Council find that certain streets and paved recreational paths located within the territorial boundaries of the City and under its jurisdiction are designed and constructed so as to safely permit their use by operators of motorized carts, electric bicycles, and Low Speed Motor Vehicle ("LSMV"), except as stated elsewhere in this article.
- (b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

All-terrain vehicle means any motorized vehicle designed for off-road use which is equipped with three or more low pressure tires and with a seat to be straddled by the operator and with handlebars for steering control.

Bicycle means every device propelled by human power upon which any person may ride, having only two wheels which are in tandem and either of which is more than 13 inches in diameter.

Dealer means a person engaged in the business of buying, selling, or exchanging vehicles that has an established place of business in this state.

Electric bicycle means a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor. For such a device to be considered an electric assisted bicycle, it shall meet the requirements of the Federal Motor Vehicle Safety Standards, as set forth in 49 C.F.R. Section 571, et seq., and shall operate in such a manner that the electric motor disengages or ceases to function when the brakes are applied. The electric motor in an electric assisted bicycle shall:

1. Have a power output of not more than 1,000 watts;
2. Be incapable of propelling the device at a speed of more than 20 miles per hour on level ground; and
3. Be incapable of further increasing the speed of the device when human power alone is used to propel the device at or more than 20 miles per hour.

Electric Personal Assistive Mobility Device or EPAMD means a self-balancing, two non-tandem wheeled device designed to transport only one person and having an electric propulsion system with average power of 750 watts (one horsepower) and a maximum speed of less than 20 miles per hour on a paved level surface when powered solely by such propulsion system.

Golf Car or Golf Cart means any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. Reference O.C.G.A. 40-1-1.

Gross Weight means the weight of a vehicle without load plus the weight of any load thereon.

Low-Speed Motor Vehicle or LSMV means any four-wheeled electric vehicle whose top speed attainable in one mile is greater than 20 miles per hour but not greater than 25 miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. Section 571.500 and in effect on January 1, 2001. LSMVs must be registered and operated in accordance with Georgia State Law.

Moped means a motor driven cycle equipped with two or three wheels, with or without foot pedals to permit muscular propulsion, and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be 3.05 cubic inches (50 cubic centimeters) regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour (48.28 kilometers per hour) on level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, all-terrain vehicle, dirt bike, and moped.

Motor Driven Cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, every bicycle with a motor attached, and every moped.

Motorized Cart means every motor vehicle having no less than three wheels and an unladen weight of 1,300 pounds or less and which cannot operate at more than 20 miles per hour.

Motorized Play Vehicle means a coaster, scooter, pocket bike, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor engine, gas or electric, and is not otherwise defined in this Code as a "motorized cart", "Low Speed Motor Vehicle (LSMV)" "motor vehicle", "motorcycle", "electric bicycle", motorized skateboard", "electric personal assistive mobility device" or "motorized wheelchair".

Motorized Skateboard means a self-propelled device, including Segways, that has a motor, gas or electric, a deck upon which a person may ride, not equipped with a seat, and at least two tandem wheels in contact with the ground and which is not otherwise defined in this code as a motor vehicle", "motorcycle", "motorized play vehicle", "motor scooter", "electric personal assistive mobility device" or "motorized wheelchair".

Motorized Wheelchair means a self-propelled wheelchair that is used by a physically disabled person for mobility.

Sec. 8-3-2 REGISTRATION/TRANSFER REQUIREMENTS.

(a) **Motorized Carts.** It shall be the duty of every owner of an electric or gasoline-powered motorized cart that is operated over the City's recreation paths and streets and those areas accessible by the public to register the cart with the City of Williamson within ten business days of the date of purchase. Numerical decals shall be issued upon registration; and a record of each motorized cart number, along with the name and address of the owner, shall be maintained by the city clerk's office. The decal must be affixed to the left side of the front or left side of the cart in such a manner as to be fully visible at all times. If possible, decals should be placed no further than four feet from the left front tire, in a readily visible location. The failure to have a current registration decal on a motorized cart shall be a violation of this section and subject the owner of such cart to the general penalties set forth in section 1-1-5 of the City of Williamson Code of Ordinances.

1. Registration Fee. The registration fee for motorized carts shall be set by the Mayor and Council and listed in the schedule of fees. The registration shall be effective until the next regular registration period. Registration periods shall occur every calendar year, beginning in January, 2019.
2. Registration requirement. If a cart is not registered within ten business days of purchase, and is found in violation of any section of this ordinance, a penalty will be applied in addition to the registration fee; and the cart shall be considered an unregistered cart after the ten business-day period following the day the use of the cart is determined to be cause for a violation. Penalty amounts are set by the Mayor and Council and included in the schedule of fees.

3. Transfers. Upon occurrence of a sale of the cart to another person who shall operate the cart over the recreation paths and streets of the City, the registration must be transferred to the new owner within ten business days of the change in ownership. The resident/nonresident registration/user fee for the balance of the year shall be due from the new owner. If the registration is not transferred within ten business days, a penalty as listed in the schedule of fees will be applied in addition to the appropriate transfer charge; and the cart shall be considered an unregistered cart after the ten business-day period following the day the use of the cart is determined to be cause for a violation. Dealers acquiring a registered cart exclusively for resale (non-rental) shall not be required to pay the transfer charge, but shall notify the City of the transfer within ten business days of receiving the cart, and of the ultimate disposition of the cart within ten business days of sale

(b) **Gasoline carts.**

1. Every gasoline powered motorized cart shall at all times be equipped with an exhaust system in good working order and in constant operation, meeting the following specifications:
 - (a) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or include any and all parts specified by the manufacturer.
 - (b) The exhaust system and its elements shall be securely fastened, including the consideration of missing or broken brackets or hangers.
 - (c) The engine and powered mechanism of every cart shall be so equipped, adjusted and tuned as to prevent the escape of excessive smoke or fumes.
2. It shall be unlawful for the owner of any gasoline powered motorized cart to operate or permit the operation of such cart on which any device controlling or abating atmospheric emissions, which is placed on a cart by the manufacturer, to render the device unserviceable by removal, alteration or which interferes with its operation.

(c) **Rental carts.** Cart dealers and distributors, as well as other commercial establishments, may rent carts to the public for use on the recreation paths and streets and those areas accessible by the public of the city. Each such establishment renting carts shall be required to register each such rental cart in accordance with subsection (a) of this section and shall maintain a written record of each person who rents each cart. Renters shall be required to furnish positive identification, shall be provided a copy of this article to read, and must be at least 16 years of age. The registration fee and transfer fees and regulations shall be the same as those in subsection 8-3-2 (a).

(d) **Age, number of registrants limited.** Only those persons 18 years of age or older may register a motorized cart. Cart registration may be in one person's name only, and the registration form must be signed by that person.

- (e) **Low Speed Motor Vehicle or LSMV.** No LSMV shall be operated on the paved recreational paths or streets located within the territorial boundaries of the City of Williamson unless it is legally registered and insured according to laws of the State of Georgia.

Sec. 8-3-3 OPERATION REGULATIONS.

- (a) Those persons who are 16 years of age and older may drive a Motorized Cart on recreation paths and/or streets designated for the use of motorized carts and those areas accessible by the public of the city unless such person has had his or her license to operate a motor vehicle suspended or revoked by the state which issued said license in which case such person shall not be permitted to operate a motorized cart on the recreation paths and/or streets and those areas accessible by the public of the city during the time of suspension or revocation.
- (b) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the recreation paths, streets and those areas accessible by the public in the City of Williamson. Where cart paths exist, they must be used in preference to parallel city streets.
- (c) Motorized carts and LSMVs shall not be operated on sidewalks at any time.
- (d) Motorized carts may be operated only over those certain residential streets where the speed limit is 25 mph or less only during daylight hours unless such motorized carts are equipped with functional headlights and taillights.
- (e) It shall be unlawful for the owner of an Motorized Cart or LSMV or any other person operating, employing, permitting the use of or otherwise directing the use of such Motorized Cart or LSMV to operate or permit the operator of any Motorized Cart or LSMV to drive over the recreational paths, streets or those areas accessible to the public in the City of Williamson in violation of this article.
- (f) LSMV. In accordance with Georgia state law, only persons possessing a valid license issued by the State of Georgia, other state of the United States of America, or international agency which permits such person to operate a motor vehicle on the highways of the state may operate a LSMV on the paved recreational paths or streets located within the territorial boundaries of the City of Williamson. See Section 8-3-1 FINDINGS; DEFINITIONS for the definition of LSMV and Motorized Cart in accordance with Georgia Law.
- (g) No Motorized Cart shall be permitted to operate on, over, or along, those portions of US Highway 362 or Williamson-Zebulon Road within the boundaries of the City of Williamson or across any street that has a posted maximum speed limit in excess of 25 miles per hour, except where authorized paths and designated crossings are provided.
- (h) No LSMV shall be permitted to operate on any City street of which the posted speed limit exceeds 35 miles per hour. Except as prohibited above, LSMV's shall be permitted to cross over city streets on which the posted speed limit exceeds 35 miles per hour, but only at authorized, marked cart crossings. See Section 8-3-1 FINDINGS; DEFINITIONS for the definition of LSMV and Motorized Cart in accordance with State of Georgia Law.

- (i) No all-terrain vehicle described within this article shall be permitted to operate on any city streets, county roads or state highways located within the limits of the City of Williamson. Violations will be charged under O.C.G.A. **title 40, chapter 7** pertaining to the operation of all-terrain vehicles.

Sec. 8-3-4 AUTHORIZED RECREATION PATH USERS.

- (a) Authorized users of asphalt **or concrete** recreation paths **which are greater than 4 feet in width** are as follows:
1. Pedestrians;
 2. Non-motorized vehicles;
 3. Roller skates, roller blades and skateboarders (daylight only);
 4. Registered electric-powered **motorized** carts;
 5. Registered gasoline-powered **motorized** carts;
 6. Emergency and authorized maintenance vehicles;
 7. Bicycles, traditional and electric (as defined in section 8-3-1(b));
 8. Electric and conventional wheelchairs;
 9. Electric vehicles designed to carry one person at a speed not to exceed 20 miles per hour; and
 10. LSMV provided that the vehicle is operated only in a mode or other restriction which does not allow the vehicle to exceed 20 miles per hour.
- (b) Authorized users of **asphalt or concrete** sidewalks **which are 4 feet or less in width** are as follows:
1. Pedestrians;
 2. Non-motorized vehicles;
 3. Roller skates, roller blades, and skateboards (daylight only).

Sec. 8-3-5 PROHIBITED USES. Prohibited uses of recreation paths and sidewalks are as follows:

1. Automobiles and trucks (except authorized maintenance vehicles);
2. Motorcycles;
3. Street and trail motorized bikes or vehicles (not to include electric bicycles);
4. Mini-bikes and mopeds;
5. Horses;
6. Go-carts;
7. **Un-registered motorized carts;**

8. Electric or gasoline powered scooters;
9. Motorized play vehicles;
10. Un-registered **LSMVs or LSMVs not used in accordance with section 8-3-4 (a) 10.**

Sec. 8-3-6 LIABILITY AND INSURANCE.

Each person using the recreation paths is liable for his own actions. Liability insurance coverage varies, and each person operating a motorized cart on the recreation paths and public streets and those areas accessible by the public should verify their coverage.

Sec. 8-3-7 PENALTIES.

- (a) Any person who violates the terms of this section shall be cited to appear before the municipal court or other court of appropriate jurisdiction and, upon conviction, punished as provided by Code and Charter of the City of Williamson, Georgia.
- (b) In addition to enforcing sanctions against the operator, any violation of subsection 8-3-3(e) shall be charged against the registered owner of the motorized cart as follows:
 1. For the first offense, a fine not to exceed \$250.00;
 2. For the second offense committed within one year of a conviction of a first offense, a fine not to exceed \$500.00; and
 3. For the third offense committed within one year of conviction for a second offense for a motorized cart, a fine not to exceed \$1,000.00, and the registered owner's motorized cart registration shall be revoked. The registered owner or immediate family member residing in the same household cannot thereafter register a motorized cart for use in the city for a period of two years following the third conviction.
- (c) Any violation by an operator of an LSMV shall be charged against the operator according to the provisions of O.C.G.A. **title 40** and this Code. Any violation by an owner of an LSMV shall be charged against the owner according to the provisions of O.C.G.A. **title 40** and this Code.

Sec. 8-3-8 ENFORCEMENT. All violations of Title 8 of the Municipal Code of the City of Williamson are enforceable by the State of Georgia, the Georgia Highway Patrol, Pike County, the Pike County Sheriff's Office, the City of Williamson, and the Williamson Director of Public Safety. Cases may be heard at the Municipal Court of the City of Williamson or other applicable Courts considering the nature of the violation and the enforcing agency.

Sec. 8-3-9 EFFECTIVE DATE. This Chapter, 8-3 Motorized Carts, Electric Bicycles And Other Low Speed Motorized Vehicles, shall become effective 1 March, 2019.

Chapter 8-4 PARKING REGULATIONS

Sections:

- 8-4-1 Vehicles to be parked within marked spaces.

- 8-4-2 Parking prohibited at all times in certain locations.
- 8-4-3 Parking prohibited in certain locations, certain days and hours.
- 8-4-4 Parking time limited in certain locations, certain days and hours.
- 8-4-5 Special purpose parking zones established, parking otherwise prohibited.
- 8-4-6 Penalty for violation.

Sec. 8-4-1 VEHICLES TO BE PARKED WITHIN MARKED SPACES. Whenever a space is marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding that space.

Sec. 8-4-2 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS. It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the streets and alleys of the town specifically designated by posted signs indicating the prohibited parking.

Sec. 8-4-3 PARKING PROHIBITED IN CERTAIN LOCATIONS, CERTAIN DAYS AND HOURS. It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the days and between the hours indicated and specified by posted signs indicating the prohibited parking.

Sec. 8-4-4 PARKING TIME LIMITED IN CERTAIN LOCATIONS, CERTAIN DAYS AND HOURS. It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any of the places on the streets and alleys of the town, at any time on the days and between the hours indicated and specified by posted signs limiting parking time in certain locations on certain days and hours.

Sec. 8-4-5 SPECIAL PURPOSE PARKING ZONES ESTABLISHED, PARKING OTHERWISE PROHIBITED. It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any locations on the streets and alleys of the town established and designated as special purpose parking zones indicated and specified by posted signs approved by the mayor and council.

Sec. 8-4-6 PENALTY FOR VIOLATION. Any person who shall violate any provision of this chapter shall, upon conviction, be punished as provided in section 1-1-5 of this code.

Title 9 OFFENSES

Chapters:

- 9-1 General Offenses
- 9-2 Nuisances
- 9-3 Animals
- 9-4 Abandoned and Junk Motor Vehicles
- 9-5 Abandoned, Unsafe or Blighted Buildings and Grounds
- 9-6 Disorderly Houses
- 9-7 Abandonment of junked, dismantled or inoperative furniture, appliances, machinery or equipment

Chapter 9-1 GENERAL OFFENSES

Editorial Note: Municipalities are prohibited by law from enacting ordinances covering matters which have been preempted by general law and are prevented from regulating conduct which has been made a violation of any criminal law of the state. See O.C.G.A., Sec. 36-35-6 (a) (2); Ga. Const. of 1983, Art. III, Sec. VI, Para. IV.

State Law Reference: Abandonment of airtight containers, O.C.G.A., Sec. 16-11-100; fireworks, O.C.G.A., Sec. 25-10-1 et seq.; disorderly houses, O.C.G.A., Sec. 16-11-44; peeping toms, O.C.G.A., Sec. 16-11-61; gambling, O.C.G.A., Sec. 16-12-20 et seq.; cruelty to animals, O.C.G.A., Sec. 16-12-4; criminal trespass, O.C.G.A., Sec. 16-7-21.

Sections:

- 9-1-1 Disorderly conduct
- 9-1-2 Public drunkenness
- 9-1-3 Noise, creating unnecessary noise
- 9-1-4 Posting signs on poles without consent
- 9-1-5 Weapons, discharge in town
- 9-1-6 Fireworks

Sec. 9-1-1 DISORDERLY CONDUCT

It shall be unlawful and disorderly conduct for any person to:

- (a) act in a violent or tumultuous manner toward another, whereby a reasonable person would be placed in fear of safety for life or limb;
- (b) place the property of another in serious danger of being destroyed or damaged;
- (c) use fighting words directed toward another, who becomes outraged and thus creates a turmoil;
- (d) violently interfere with another's pursuit of a lawful occupation; or
- (e) congregate with others to halt the flow of vehicular or pedestrian traffic and refuse to clear the way when ordered by lawful authority to do so.

Sec. 9-1-2 PUBLIC DRUNKENNESS

It shall be unlawful for any person to be on the streets of the town or in any public place in an intoxicated condition.

Sec. 9-1-3 NOISE; CREATING UNNECESSARY NOISE

- (a) The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the town is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.
- (b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
 1. **Horns.** The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion except as a danger signal if another vehicle is

approaching apparently out of control, or, if 'in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of that device for an unnecessary or unreasonable period of time.

2. **Musical instruments.** The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 12 midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or any persons in the vicinity, except this section shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.
 3. **Voices.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 12 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity.
 4. **Noisy vehicle.** The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in any manner as to create loud and unnecessary grating, grinding or rattling, or other noise.
 5. **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper town authority.
 6. **Exhausts.** To discharge into the open air the exhaust of any stationary steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 7. **Construction work.** The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on week days except in cases of urgent necessity, and then only with a permit from the town, which permit may be granted for a period not to exceed 60 days while the emergency continues.
 8. **On streets of institutions requiring quiet.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.
 9. **Loudspeakers on vehicles.** The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
 10. **Animals, birds.** The keeping of any animal or bird which shall disturb the comfort or repose of any persons in the vicinity by making long, continual or frequent noise.
- (c) None of the foregoing terms or prohibitions shall apply to or be enforced against:
1. any vehicle of the town while engaged upon necessary public business;
 2. excavations or repairs of bridges, streets or highways, by or on behalf of the town, county or state during the night season, when the public welfare and convenience renders it impossible to perform that work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor; and

3. the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (d) The prohibitions shall not be applicable to any parade, celebration or performance for which a written permit has been obtained prior thereto from the town clerk.
- (e) It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the town; provided that nothing in this section shall apply to the United States of America, the state, the county nor the town, nor to public agencies.

Sec. 9-1-4 POSTING SIGNS ON POLES WITHOUT CONSENT

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

Sec. 9-1-5 WEAPONS; DISCHARGE IN TOWN

It shall be unlawful for any person to discharge a firearm, including pistol, rifle and shotgun, or to shoot an air gun, including BB gun and pellet gun, within the town, except by law enforcement officers in the line of duty, or the military when on drill or parade, or at a funeral in honor of the dead; provided, however, it shall not be unlawful for any person to shoot a BB gun upon private property if that person shall have first obtained the express permission of the owner of that property to do so. This section does not prohibit or otherwise limit lawful use of a firearm in defense of life or against threat to life or serious personal injury as provided by Federal, State and local law.

Sec. 9-1-6 FIREWORKS

Fireworks, as defined by O.C.G.A. 25-10-1, shall be regulated by O.C.G.A. Title 25 Chapter 10 and the City of Williamson Noise Ordinance shall not have effect for purposes of O.C.G.A. Title 25 Chapter 10, subdivision (b)(3)(B)(i); and shall not otherwise be restricted by Section 9-1-3, the general noise ordinance concerning all manner of sounds or noises. The City of Williamson shall not have any ordinance separately pertaining to sounds or noises emanating exclusively from consumer fireworks unless provisions of O.C.G.A. 25-10-2 (c), (1) and (2) are followed.

Chapter 9-2 NUISANCES

State Law Reference: Nuisances, O.C.G.A., Title 41.

Sections:

- 9-2-1 Definition
- 9-2-2 Jurisdiction to try and abate
- 9-2-3 Complaint of nuisance; hearing
- 9-2-4 Abatement by town
- 9-2-5 Nuisance per se, exception; summary abatement
- 9-2-6 Offense; penalty.

Sec. 9-2-1 DEFINITION

The following conditions may be declared to be nuisances:

- (a) stagnant water on premises;

- (b) any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the town;
- (c) the generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the town;
- (d) the pollution of public water;
- (e) maintaining a dangerous or diseased animal or fowl;
- (f) obstruction of a public street, highway or side-walk without a permit;
- (g) all walls, trees and buildings that may endanger persons or property;
- (h) any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;
- (i) unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;
- (j) any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the town; and
- (k) any violation described in Section 9-1-3, Noise, Creating Unnecessary Noise; and
- (l) Non-compliance with City animal control ordinances as prescribed and referenced in Chapter 9-3 ANIMALS of this code; and
- (m) any other condition constituting a nuisance under state law.

Sec. 9-2-2 JURISDICTION TO TRY AND ABATE

The municipal court shall have full Jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in section 1-1-5 of this code.

State Law Reference: Jurisdiction of municipal court to determine existence of nuisance and order its abatement, O.C.G.A., Sec. 41-2-5.

Sec. 9-2-3 COMPLAINT OF NUISANCE, HEARING

Any official or inhabitant of the town may direct a complaint of nuisance to the town clerk, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The municipal court after a 10 day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

Sec. 9-2-4 ABATEMENT BY TOWN

In any case where the owner, agent or tenant falls to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the judge that it must be immediately abated, the judge may issue an order directing the nuisance to be abated. The town in such case shall keep record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent

or tenant for collection as for town revenues.

Sec. 9-2-5 NUISANCE PER SE, EXCEPTION; SUMMARY ABATEMENT

Nothing contained in this chapter shall prevent the Mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Sec. 9-2-6 OFFENSE; PENALTY

It is hereby declared to be an offense for any owner, agent or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense. In accordance with Section 1-1-5 of this code.

State Law Reference: Failure to abate nuisance after order to do so is a state crime, O.C.G.A., Sec. 41-1-6.

Chapter 9-3 ANIMALS

Cross Reference: Noise created by animals, Sec. 9-1-3 (b)(10).

Article A -- GENERAL PROVISIONS

Sections:

- 9-3-1 Purpose
- 9-3-2 Contracts
- 9-3-3 Animal Control Board
- 9-3-4 Definitions
- 9-3-5 Bird sanctuary; wildlife
- 9-3-6 Animals, Fowl or livestock running at large
- 9-3-7 Enclosures for animals and fowl
- 9-3-8 through 9-3-10 Reserved

Article B – DOGS AND CATS

Sections:

- 9-3-11 Enclosures for dogs
- 9-3-12 Keeping of Dogs and Cats; Nuisances
- 9-3-13 Animals on Airports
- 9-3-14 Rabies Control, Inoculations
- 9-3-15 Dangerous and Potentially Dangerous Dogs
- 9-3-16 Keeping of Dangerous and Potentially Dangerous Dogs

Article C – OTHER VICIOUS ANIMALS

Sections:

- 9-3-17 Vicious Animals or Fowl
- 9-3-18 Summons
- 9-3-19 Penalties

Article A -- GENERAL PROVISIONS

Sec. 9-3-1 PURPOSE

The purpose of this article is to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City. This article sets forth necessary controls on the unrestrained activities of vicious animals which threaten the safety and pleasantness of streets, parks, sidewalks, yards, and all areas of the city. The lack of knowledge or intent is not a defense in violation thereof.

Sec. 9-3-2 CONTRACTS

The city may contract with Pike County or other agencies for animal control.

Sec. 9-3-3 ANIMAL CONTROL BOARD

There is hereby created an animal control board, consisting of a minimum of a single member and no more than three members. The person occupying the office of municipal court judge is hereby designated to serve and function as a member of the animal control board for the purpose of conducting hearings as required by this article.

Sec. 9-3-4 DEFINITIONS

As used in this section, 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 created by the Mayor and City Council, by ordinance, pursuant to O.C.G.A. § 4-8-22, to hold hearings provided for in O.C.G.A. § 4-8-24. The animal control board shall be composed of not less than one nor more than three members.

Animal Control Officer means the person designated by the Mayor and City Council and acting under their supervision and control as they may, from time to time, designate in writing, to perform the duties set forth in this article; an employee or officer of the City or their designee whose duties specifically include enforcement of the provisions of this article.

Classified Dog means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article. Reference O.C.G.A. § 4-8-21, RESPONSIBLE DOG OWNERSHIP.

Dangerous Dog means any dog that, according to the records of an appropriate authority:

- (a) Without provocation, on public or private property, causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subparagraph;
- (b) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subparagraph; or

- (c) While off the owner's property, kills a pet animal; or
- (d) 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.

Governing Authority means the Mayor and City Council of the city.

Local Government means the City of Williamson, a Georgia municipal corporation.

Owner means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm or trust, owning, possessing, harboring, keeping, or having custody or control of a dog, cat or other domestic animal within the territorial boundaries of the City.

Potentially Dangerous Dog means any dog which has, without provocation, bitten a human being on public or private property.

Proper Enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of young children or domestic animals, and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the dog is enclosed within a fence, 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 dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

Rabies Control Officer means an employee of the County Board of Health whose specific duties include enforcement of the rabies control rules and regulations of the County board of Health within the City.

Records of an appropriate authority means records of any state, county or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state or local court; or records maintained by the animal control officer pursuant to this article.

Serious Injury or Severe Injury means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

Vicious Animal/Fowl means:

- (a) an animal/fowl that inflicts serious injury on a person or causes serious injury to a person resulting from the person's reasonable attempts to escape from such animal's attack; or
- (b) Any animal/fowl which attacks, bites or injures humans, other animals or fowl without provocation; or
- (c) Any animal/fowl which, because of temperament, conditioning or training, has a known

propensity to attack, bite or injure other living creatures without provocation;

- (d) An animal/fowl which has on one or more occasions caused injury to other living creatures without provocation; or
- (e) Any animal/fowl which constitutes a physical threat to human beings or domesticated animals by one or more attacks without provocation of severity to cause physical injury; however,
- (f) An animal/fowl is not considered vicious if it attacks, bites or menaces anyone attacking its owner, unlawful trespassers on the property of the owner, or any person or animal that has tormented or abused it, or if it is defending its young or another animal.

Note: No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. Title 16, Chapter 5.

Sec. 9-3-5 BIRD SANCTUARY; WILDLIFE

- (a) The entire area embraced within the corporate limits of the town is designated as a bird sanctuary.
- (b) It shall be unlawful to trap, hunt, molest or kill any wild bird or to rob any wild bird's nest; provided, however, if nuisance birds such as starlings are found to be congregating in such numbers in a particular locality so as to constitute a nuisance or a menace to health or property in the opinion of the mayor and council, those birds may be destroyed as humanely as possible in such numbers and in such manner as is deemed advisable by the Mayor and council.
- (c) It shall be unlawful to trap, hunt, molest or kill any other wild game in the town except by order of the Mayor and Council.

Sec. 9-3-6 DOMESTIC ANIMALS, FOWL OR LIVESTOCK RUNNING AT LARGE

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

Sec. 9-3-7 ENCLOSURES FOR ANIMALS AND FOWL; SANITATION

Any outside enclosure use for the keeping of domestic animals and fowl shall be well-drained, free from accumulation of animal excrement and objectionable odors, and otherwise maintained in a clean and sanitary condition at all times. All animals and fowl which are housed and enclosed within the enclosure shall be provided a source of potable water and adequate food at all times. The enclosure shall be constructed in such a manner as to afford suitable shelter for the animal or fowl from the elements during inclement weather; enclosures shall be designed and constructed to afford the enclosed animal or fowl ample room to exercise,

depending upon the species, breed and size. Pig pens are prohibited within the town.

Secs. 9-3-8 through 9-3-10 Reserved

Article B -- DOGS AND CATS

Sec. 9-3-11 ENCLOSURES FOR DOGS

- (a) Every enclosure for the keeping of less than five dogs, 90 days old or more, shall be located no closer than 20 feet from a property boundary or 100 feet from any dwelling unit on adjoining property, whichever is greater, unless the adjoining property owner gives written consent to a variance from this standard. Any enclosure for the noncommercial keeping of five or more dogs, 90 days old or more, on a property zoned or occupied for residential purposes shall be located not less than 100 feet from the nearest property boundary; there shall be no variance granted from this standard. Noncommercial enclosures for the keeping of five or more dogs, 90 days old or more, shall only be permitted in residential zones by special use permit, in accordance with the zoning ordinance. Puppies and dogs less than 90 days old shall be confined to the owner's premises and not allowed to run at large, except when accompanied by the owner or person of responsible age.
- (b) Dogs, other than those classified as dangerous dogs or potentially dangerous dogs, shall at all times:
1. Be confined inside a principal residence or accessory structure on the owner's property, or contained outside within a proper fence, shelter or other enclosure so as to limit it roaming beyond the owner's property; or
 2. Be restrained upon the owner's property by a humane physical restraint or electronic device so as to not reach any adjoining property or public right-of-way; tethering a dog by rope, wire or chain to a stationary object is discouraged; or
 3. While off the owner's property, be restrained on a leash, within a motor vehicle, crate or dog box, or obedient to voice or electronic commands, and accompanied by the owner or other person of responsible age; provided, however, this provision shall not apply to dogs while training or participating in lawful activities, such as hunting, obedience trials, field trials, dog shows, tracking or law enforcement work.

Sec. 9-3-12 KEEPING OF DOGS AND CATS; NUISANCES; SANITATION.

- (a) It shall be the duty of the owner, keeper, or harbinger of any dog or cat within the city to keep it from becoming a nuisance, from endangering or injuring any persons or property, or from creating a disturbance to the peace, tranquility and enjoyment of neighboring property owners. For purposes of this section, a "barking dog" or "crying, or howling cat" shall mean a dog or cat that barks, bays, cries, howls or makes other objectionable noise continuously and/or incessantly for a period of 15 minutes or longer at any time of day or night, while situated outside of the principal residence of its owner or keeper, if such noise may be discernible by a person of reasonable hearing at a distance of 50 feet beyond the

boundary of the property where the animal is kept or confined; provided, however, a dog shall not be deemed a "barking dog" if the barking is designed to warn its owner or keeper that a person has entered or is threatening to enter onto the owner or keeper's private property (whether such entry is authorized or not), if a person has provoked or teased the dog, or if a similar legitimate cause exists to cause the dog to bark. Any violation of this section may be brought before the municipal court, upon citation to the lawful owner, keeper or harbinger of the offending animal, and upon conviction punished by a fine upon the owner, keeper or harbinger thereof.

- (b) Whenever a dog or cat is kept in such manner which constitutes a nuisance, a proceeding to abate the nuisance may be brought by the party aggrieved, pursuant to chapter 9-2 of this Code. An animal found by the court to constitute a nuisance may be impounded by the city if the owner, after reasonable opportunity to do so, fails to abate the nuisance as ordered by the court.
- (c) Whenever a dog is allowed to roam free in violation of this section, impoundment of the animal is authorized. Upon identification of the owner or keeper, a citation shall be issued for violation of this section.
- (d) It shall be the duty of any person having possession, custody or control of any dog, restrained or unrestrained, to immediately remove excrement deposited by the animal on any public right-of-way (street, sidewalk, or parkway between the street and sidewalk), on any public property, such as a municipal park, and from private property not belonging to the dog's owner or keeper. Such person shall have in their possession while controlling their dog a device or equipment for pick up and removal of the animal excrement and its proper disposal in a sanitary manner. Failure to pick up and remove animal excrement deposited off the owner or keeper's private property shall constitute a violation of this section which, upon conviction, shall be punished by a fine not to exceed \$100.00 for each violation.
- (e) Commercial animal facilities may only be constructed and operated by right on tracts of ten or more acres zoned "Industrial", and within other nonresidential zoning districts, by special use permit, as allowed by the zoning ordinance. For purposes of this section, a "commercial animal facility" means any facility, operation, or business used for the commercial boarding, breeding, buying, selling, trading, training or rearing of dogs, including guard dogs, police dogs, or similar working dogs, except for animal (veterinarian) hospitals and animal grooming facilities unconnected with such activities. All commercial animal facilities shall hold a current license from the Georgia Department of Agriculture permitting such operations and pay an occupation tax to the City of Williamson, unless exempt therefrom.
- (f) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious or diseased dog on the streets or public places of the town or allow the dog to run on the premises of another, at any time; unless and in addition to the other requirements of this chapter the dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

Sec. 9-3-13 ANIMALS ON AIRPORTS

All pets shall be either caged or on a leash and shall not be allowed on the operation areas of an

airport or associated runways, including private runways. Any animal found to be roaming free on an airport property may be subject to impoundment by the City, if within the City limits, or Pike County if in the unincorporated area of Pike County.

Sec. 9-3-14 RABIES CONTROL; INOCULATION; TAG

- (a) All cats and dogs, upon reaching the age of three months, which are owned, possessed, harbored or residing within the corporate limits of the city shall be inoculated for the prevention of rabies by a veterinarian licensed to practice veterinary medicine in the state, using only those vaccines prescribed and/or approved by the state department of human resources. All cats and dogs shall be revaccinated within 12, 24, or 36 months as specified by the type of vaccine used. Any cat or dog found not to be vaccinated once reaching three months of age must have the consent of a licensed veterinarian stating the reason why such cat or dog should not be vaccinated.
- (b) It shall be a violation of this chapter for any person to own, keep, maintain or harbor any dog or cat three (3) months of age or over unless such animal has been vaccinated and holds a current unexpired rabies inoculation tag and certificate issued in accordance with the provisions of this section and state law.
- (c) Dogs and cats less than three (3) months of age shall be confined to their owner's premises and shall not be allowed to run at large.
- (d) Dogs and cats entering Williamson from outside the town only for the purpose of performing or temporary stay not exceeding 14 days and kept under direct control of their owners or handlers are exempt from the vaccination requirements of this section.
- (e) Except as provided above, it shall be the duty of all persons bringing a dog or cat into the town to have the dog or cat vaccinated and to obtain the rabies inoculation tag and certificate required by this section within a period of 14 days from the date of such entry.
- (f) It shall be the duty of each dog or cat owner, possessor or custodian thereof, to provide a collar for his dog or cat to which the rabies inoculation tag shall be attached. The collar, together with the tag, shall be worn by the dog or cat at all times.
- (g) It shall be unlawful for any person to attach a vaccination or owner's license tag to the collar of any animal for which such tag was not issued, or to remove such tag from any animal without the consent of such animal's owner, possessor or custodian.
- (h) The identification and collar prescribed in subsection (f) of this section shall be worn at all times by any cat or dog except when the cat or dog is participating in a pet show or exhibit. However, any cat or dog being shipped or transported through the city or any cat or dog entering the city only for the purpose of a temporary stay not exceeding 14 days shall be exempt from the provisions of this section, but shall be subject to all other rules and regulations of the State of Georgia, Pike County, and the City of Williamson.
- (i) Any person keeping, owning, harboring, or having any other type of animal, excluding cats and dogs, is not required to have the animal vaccinated against rabies unless required by the laws of this state, but such failure to have such animal vaccinated is at the risk of such

person.

Note: All dogs and cats shall be inoculated against rabies in accordance with the procedures set forth in the rabies control rules and regulations of the State of Georgia and Pike County, as promulgated and from time to time amended, which by reference are expressly incorporated as a part of this section as if fully set out in this section. Violation of such rules and regulations may be enforced by the rabies control officer in the municipal court of the City, upon citation, as an offense against the City.

Sec. 9-3-15 DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS

- (a) Upon receiving a report of a dangerous dog or potentially dangerous dog within the animal control officer's jurisdiction from a law enforcement agency, animal control agency, rabies control officer, Pike County Board of Health or a Williamson City Official, the animal control officer shall make such investigations and inquiries with regard to such report as may be necessary to carry out the provisions of this article. Whenever the animal control officer classifies a dog as a dangerous dog or potentially dangerous dog, or reclassifies a potentially dangerous dog as a dangerous dog, notice shall be given the dog's owner in writing by certified mail to the owner's last known address of such classification or reclassification. Such notice shall be deemed complete upon its mailing.
- (b) The notice to the owner shall meet the following requirements:
- (1) The notice shall be in writing and mailed by certified mail to the owner's last known address;
 - (2) The notice shall include a summary of the animal control officer's finding 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 animal control officer's determination that the dog is a dangerous dog or a potentially dangerous dog before the animal control board;
 - (4) The notice shall state that if a hearing is not requested, the animal control officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under this section on the day after the last day on which the owner has a right to request a hearing; and
 - (5) 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 form to the city.
- (c) When the animal control officer receives a request for a hearing, he shall schedule such hearing within 30 days after receiving the request. The animal control officer shall notify the dog owner in writing by certified mail of the date, time and place of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence and, in addition thereto, the animal control board shall receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination to sustain, modify or overrule the animal control officer's classification of the dog. Within ten

days after the date of the hearing, the animal control officer shall notify the owner, in writing, by certified mail of the animal control board's final determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify it is effective on the third day following the date of receipt by the owner.

- (d) Subject to the requirements of this section, the animal control officer shall issue a certificate of registration to the owner of a dangerous dog or potentially dangerous dog if the owner presents to the animal control officer or if the animal control officer finds sufficient evidence of:
1. A proper enclosure to confine the dangerous dog or potentially dangerous dog;
 2. The posting of the premises where the dangerous dog or potentially dangerous dog is located with a clearly visible sign warning that there is a dangerous dog on the premises. The sign required to be posted must substantially conform to the design provided by the department of natural resources pursuant to O.C.G.A. § 4-8-35; and
 3. Payment to the city of a fee in the amount as set forth in the schedule of fees and charges to defray the cost of administering and enforcing this section. In addition, the owner of a dangerous dog shall present evidence to the animal control officer of:
 - (a) A policy of insurance in the amount of at least \$15,000.00 issued by an insurer authorized to transact business within the state insuring the owner of the 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 this state payable to any person or persons injured by the dangerous dog.
- (e) Certificates of registration shall be reviewed on an annual basis. At the time of an annual renewal of a certificate of registration, the animal 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 other provisions of this article.
- (f) Issuance of a certificate of registration or the renewal of a certificate of registration by the local government does not warrant or guarantee that the requirements specified in subsection (d) of this section 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.
- (g) The owner of a dangerous dog or potentially dangerous dog shall notify the animal control officer within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the name, address and telephone number of the new owner of the dog.
- (h) The owner of a dangerous dog or potentially dangerous dog shall notify the animal control officer if the owner is moving from the animal control officer's jurisdiction.
- (i) The owner of a dangerous dog or potentially dangerous dog who is a new resident of the

state shall register the dog in the manner provided by this article within 30 days after becoming a resident.

- (j) The owner of a dangerous dog or potentially dangerous dog who moves from one jurisdiction to another within the state shall register the dangerous dog or potentially dangerous dog in the manner provided by this article within ten days after becoming a resident in the new jurisdiction.

Note: No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. Title 16, Chapter 5.

Sec. 9-3-16 POSSESSION OF DANGEROUS OR POTENTIALLY DANGEROUS DOG WITHOUT CERTIFICATION; KEEPING OF DOG IN VIOLATION OF CONDITIONS OF CERTIFICATE; FAILURE TO POST CLEARLY VISIBLE WARNING SIGN; CONFISCATION AND IMPOUNDMENT; DESTRUCTION OF ANIMAL

- (a) It shall be unlawful for an owner to have or possess within the city a dangerous dog or potentially dangerous dog without a certificate of registration issued in accordance with section 9-3-14.
- (b) It shall be unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person.
- (c) It shall be unlawful 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.
- (d) It shall be unlawful for the owner of a dangerous dog to fail to post a warning sign on the premises where a dangerous dog is located in accordance with section 9-3-14.
- (e) It shall be the duty of the animal control officer, and any person under his employ, to impound, or direct impoundment of the dog if:
 - 1. The owner does not secure a certificate of registration in accordance with section 9-3-14.
 - 2. The owner does not secure liability insurance or meet the bond requirement of section 9-3-14; or
 - 3. The owner does not keep the dog within a proper enclosure or permits the dog to roam or run free.
- (f) Any dog impounded under the provisions of this section shall be returned to the owner upon the owner's compliance with the provisions of this article and upon payment of reasonable impoundment costs, as fixed by a schedule approved by the governing authority, as from time to time amended. Notice of impoundment under this section shall

be given the owner in writing, by certified mail, at his last known address. The notice shall state that if the owner has not complied with the provisions of this article within 20 days from receipt of such notice, the dog shall be destroyed in an expeditious and humane manner; provided, however, no dog shall be destroyed under this section unless it has been held a full 20 days, exclusive of the date of giving notice.

- (g) The owner of a dangerous dog or potentially dangerous dog shall be solely liable for any injury to or death of a person caused by such dog. Under no circumstances shall the city or any employee or official of the city which enforces or fails to enforce the provisions of this article be held liable for any damages to any person who suffers an injury inflicted by a dog that has been identified as being a dangerous dog or a potentially dangerous dog, or a by a dog which the City has failed to identify as a dangerous dog or potentially dangerous dog, or by a dog which has been identified as being a dangerous dog or potentially dangerous dog but has not been kept or restrained in the manner described in this section, or by a dangerous dog or potentially dangerous dog whose owner has not maintained insurance coverage or a surety bond as required in this section.

ARTICLE C – OTHER VICIOUS ANIMALS

Sec. 9-3-17 VICIOUS ANIMALS OR FOWL

- (a) Any animal or fowl that has attacked and bitten a person or other animal without provocation or has attempted to bite a person or other animal without provocation shall be deemed a vicious animal or fowl. See section 9-3-4 DEFINITIONS for supplemental information.
- (b) No person owning or having custody or control of any animal/fowl known to be vicious shall permit it to run at large, or permit it to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering such premises.
- (c) It shall be the duty of every owner of any vicious animal/fowl, or anyone having any animal in his possession or custody, to ensure that the vicious animal/fowl is kept under restraint and that reasonable care and precautions are taken to prevent the vicious animal/fowl from leaving, while unattended, the real property limits of its owner, custodian or harbinger, and it is securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own volition; and such enclosure must be securely locked at any time the animal is left unattended.
- (d) For owners of vicious animals/fowl who maintain their animal/fowl out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence the vicious animal/fowl must be humanely confined inside a pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides, with a secure top attached to all sides, and the sides must be securely set into the ground or onto a concrete pad or securely attached to a wire bottom. The gate to the kennel must be locked.
- (e) A vicious animal shall not be upon any street or public place except when securely

restrained by a leash not more than six feet in length and humanely muzzled and in the charge of a competent person.

- (f) Whenever outside of its enclosure as provided for in subsections (c) and (d) of this section, but on the owner's property, a vicious animal must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.
- (g) No vicious animal/fowl shall be chained, tethered or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure.
- (h) A warning sign (e.g., BEWARE OF DUCK) shall be conspicuously posted denoting a vicious animal/fowl is on the premises.
- (i) Failure to keep any animal/fowl confined or under restraint as provided for in subsection (e) shall be unlawful and shall be punishable as provided in this article.
- (j) Any vicious animal/fowl shall be deemed to be a nuisance and may be abated as a nuisance in accordance with the laws of the state.

Note: No animal/fowl shall be classified as a vicious animal/fowl if the person injured by such animal or fowl was a person who, at the time, was committing a trespass, was abusing the animal or fowl, or was committing or attempting to commit an offense under O.C.G.A. Title 16, Chapter 5.

Sec. 9-3-18 SUMMONS

The Williamson Animal Control Officer or the Animal Control Board, at their discretion, may elect not to impound a dog or other animal found in violation of any section of this chapter, but to issue or cause to be issued a summons directed to the owner or possessor of the dog to appear before the municipal court on a certain day to stand trial for the violation of this chapter.

Sec. 9-3-19 PENALTIES

Any person violating this chapter may be punished as provided in section 1-1-5 of this code; and

- (a) The keeping of any dog or cat in violation of sections 9-3-2 through 9-3-14 shall be an offense against the city and punishable, upon citation to the owner, before the municipal court.
- (b) Violations of sections 9-3-15 through 9-3-17 shall be punished by the issuance of a state warrant pursuant to O.C.G.A. § 4-8-28.
- (c) Any person aggrieved by a final determination of the animal control board classifying a dog as either a dangerous dog or a potentially dangerous dog may petition the superior court of the county for writ of certiorari.

Chapter 9-4 ABANDONED AND JUNKED MOTOR VEHICLES

Sections:

- 9-4-1 Definitions.

- 9-4-2 Declaration of Public Nuisance - Prohibition.
- 9-4-3 Enforcement Officers.
- 9-4-4 Notice to remove.
- 9-4-5 Violation - Penalty.
- 9-4-6 Repeal of conflicting ordinances.

Sec. 9-4-1 DEFINITIONS.

As used in this chapter, the term "abandoned and junked motor vehicle(s)" means any contrivance, or parts thereof now or once having been propelled by power, and used for transportation of persons or property on public streets and highways, the condition of which is one or more of the following:

- (a) Wrecked;
- (b) Dismantled;
- (c) Scrapped;
- (d) Ruined;
- (e) Partially dismantled;
- (f) Inoperative;
- (g) Discarded; or
- (h) Lacking current registration (license plate, current registration decal).

Note: The use of the term "abandoned" in this ordinance shall not be deemed to conflict with the regulation of abandoned motor vehicle(s) provided under O.C.G.A. § 40-11-1 et seq.

Sec. 9-4-2 DECLARATION OF PUBLIC NUISANCE - PROHIBITION.

- (a) The presence of any junked motor vehicle(s) on the public property, or on any private lot, tract, or parcel of land, or portion thereof, occupied or unoccupied, improved, or unimproved, within the City of Williamson, shall be a public nuisance. It is unlawful for any person to cause or maintain such a public nuisance by discarding, dismantling, wrecking, partially dismantling, scrapping, ruining, or rendering inoperable, any motor vehicle(s) on the real property of any other, or to suffer, permit or allow junk motor vehicle(s) to be parked, left or maintained on real property.
- (b) The City shall cause to be removed and disposed of any discarded, dismantled, wrecked scrapped, ruined, or junked motor vehicle(s) or parts thereof, when requested by the owner or when such motor vehicle(s) are in such a condition that they constitute a health hazard or unsightly nuisance, notwithstanding the fact that such motor vehicle(s) may be located upon private property.
- (c) Provisions of subsection (a) of this section shall not apply to:
 1. a motor vehicle(s) in a completely enclosed building, structure, shelter; or
 2. a motor vehicle(s) on the premises of business enterprise, operated in a lawful manner, when necessary to the operation of such business enterprise;
 3. a motor vehicle(s) on property occupied and used for repair, reconditioning, and remodeling of motor vehicle(s) in conformance with the City of Williamson Zoning Ordinance; or

4. a motor vehicle(s) which is located within the premises of any junkyard complying with the laws of this State relating to the licensing and regulating of motor vehicle(s) junkyards.
- (d) Removal of the junked motor vehicle(s) from the premises prior to the expiration of a 15-day notice as provided in Section 9-4, shall be considered compliance with the provisions of this chapter, and no further action shall be taken against the owner of the junked motor vehicle(s), or the owner of the premises.

Sec. 9-4-3 ENFORCEMENT OFFICERS .

- (a) The provisions of this chapter shall be administered and enforced by the public safety director or other duly authorized officials or designee. Designated officials and their designees are authorized to enter upon private or public property to remove junk motor vehicle(s), or cause the removal, of a junked motor vehicle(s) declared to be a nuisance pursuant to this chapter.
- (b) When the City of Williamson has a contract with any person or persons, such person or persons shall be authorized to enter upon private property, or public property, to remove, or cause the removal, of junked motor vehicle(s) declared to be a nuisance pursuant to this chapter.

Sec. 9-4-4 NOTICE TO REMOVE.

- (a) When the director of public safety or any other duly authorized agent shall deem such public nuisance to exist, he shall issue a notice to the party hereinafter stated, and such notice shall:
 1. be in writing;
 2. specify the public nuisance and its location; and
 3. request the public nuisance to be abated within 15 days from the notice.
- (b) If the owner of the junked motor vehicle(s) is known then the owner shall be served the notice in person or by registered mail.
- (c) In the event, after a diligent search has been made, that the director of public safety or any authorized agent shall be unable to determine the owner of said junked motor vehicle(s), he/she may serve said notice by attaching it to the junked motor vehicle(s) and by running an advertisement in the organ of legal publishing once a week for two weeks which shall constitute service upon said junked motor vehicle(s) owner.
 - (1) The advertisement shall specify the public nuisance and its location and request the public nuisance be abated within 15 days of the date of first publication of the advertisement.
 - (2) The owner of the real property where the junked motor vehicle(s) is located shall also be served notice as provided herein above for allowing the junked motor vehicle(s) to

be located on the real property as a separate offense.

- (d) If the junked motor vehicle(s) is not removed after the appropriate notice, the owner of the junked motor vehicle(s) and the owner of the real property where the junked motor vehicle(s) can be found shall be issued citations to appear in municipal court where the court will conduct a hearing and may order the removal and disposition of the junked motor vehicle(s).
- (e) If the location of the owner of the vehicle(s) or real property where the junked vehicle(s) is found cannot be determined, and after notice as provided above, the municipal court will conduct a hearing and may order the removal and disposition of the junked motor vehicle(s).

Sec. 9-4-5 VIOLATION - PENALTY.

- (a) Any person violating any of the provisions of this chapter, or any subsection of this chapter, shall be fined up to a maximum of \$1,000.00 or 60 day imprisonment, both, or other penalties as provided in Section 1-1-5.
- (b) Any person violating the provisions of this chapter or the subsections of this chapter shall be responsible for all indebtedness incurred on behalf of the city, or its duly authorized agents. Such expenses shall include but are specifically not limited to, fees for towing and storage of a junked motor vehicle(s) which has been declared to be a nuisance.
- (c) The municipal court is authorized to hear and make matters of determination of all issues which may arise under the provisions and subsections of this chapter.
- (d) The municipal court upon a conviction or hearing of evidence, in addition to the penalties listed above, shall order the abatement of the nuisance, assign all costs thereof, and order the disposition of the junked motor vehicle(s).
- (e) Each day the junked motor vehicle(s) remains on the property after notice shall constitute a separate offense for the vehicle(s) owner and the owner of the property.
- (f) After the vehicle(s) is disposed of any salvage which is recoverable shall be first used to pay off any expenses incurred in the enforcement of this ordinance. Once these sums have been paid any overage shall be paid to the owner of the vehicle(s) salvaged.

Sec. 9-4-6 REPEAL OF CONFLICTING ORDINANCES. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Chapter 9-5 ABANDONED, UNSAFE OR BLIGHTED BUILDINGS AND GROUNDS

Sections:

- 9-5-1 Definitions
- 9-5-2 Nuisances
- 9-5-3 Power of Enforcement
- 9-5-4 Procedures for Enforcement
- 9-5-5 Service of Summons and Orders
- 9-5-6 Grass Cutting and Standing Water
- 9-5-7 Repeal of conflicting Ordinances

Sec. 9-5-1. DEFINITIONS.

Applicable codes means:

1. Any optional housing or abatement standard provided in O.C.G.A. tit. 8, ch. 2, as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
2. Any fire or life safety code as provided for in O.C.G.A. tit. 25, ch. 2;
3. Any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. tit. 8, ch. 2, after October 1, 1991, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Drug crime means an act which is a violation of O.C.G.A. tit. 16, ch. 13, art. 2, known as the "Georgia Controlled Substances Act".

Dwellings, buildings, or structures means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any buildings or structure belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this code section, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Governing authority means the Mayor and City council.

Municipality shall mean the City of Williamson.

Owner means the holder of the title in fee simple and every mortgage or record.

Parties in interest means:

1. Persons in possession of said property and premises;

2. Persons having record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a 50-year title examination conducted in accordance with the title standards of the State Bar of Georgia;
3. Persons having paid an occupational tax to the governing authority for a location or office at the subject building or structure; or
4. Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.

Public authority means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, relating to health, fire, or building regulations or to other activities concerning dwellings, building, or structures in the municipality.

Public officer means the officer or officers who are authorized by this ordinance to exercise the powers prescribed by this ordinance or any agent of such officer or officers.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Resident means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Sec. 9-5-2. NUISANCES.

- (a) Whenever the Mayor and City Council, or their duly appointed public officer, finds the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are not in compliance with the applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance; or general nuisance law, and which constitute a hazard to the health, safety, and welfare of the people of the city; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures. It is found and declared where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the city and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. Whenever the city council finds that there exist in the city dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack of

adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of such county or municipality, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, the city exercises its police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided in this article.

Note: All the provisions of this Code section and Code chapter 9-2 including method and procedure may also be applied to private property where there exists an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity. A finding by the Mayor that such property is a health or safety hazard shall constitute prima-facie evidence that said property is in violation of this article.

- (b) A finding by any public authority that property constitutes a nuisance shall constitute prima facie evidence that said property is in violation of this article.
- (c) If the existence in the city of a nuisance is complained of, the municipal court of the city shall have jurisdiction to hear and determine the question of the existence of such nuisance, and if found to exist, to order its abatement.

Sec. 9-5-3. GRASS CUTTING AND STANDING WATER.

- (a) The city has found and determined that the following conditions are detrimental to the health, safety, and welfare of the citizens of the City of Williamson and, therefore, are determined to be a public nuisance ("unfit") and are prohibited:
 1. The accumulation on any portion of a lot or parcel of land upon which a house, dwelling, or commercial, industrial, or institutional structure is located of weeds, grass or underbrush in excess of 12 inches in height.
 2. The accumulation on any portion of a lot or parcel of land where any part of said lot or parcel is within 60 feet of any house, dwelling, or commercial, industrial or institutional structure of weeds, grass or underbrush in excess of 12 inches in height (measurement of distance shall be from the point on the property line of the offending lot or parcel closest to the house, dwelling, or commercial, industrial, or institutional structure).
 3. The accumulation on any portion of an undeveloped lot, which any portion thereof has been graded or which is a part of a platted subdivision within the city, and where any part of said lot is within ten feet of a developed lot on which a structure has been built, of weeds, grass, or underbrush in excess of 12 inches in height. (Measurement of distance shall be made from the two lots' closest property lines.)
 4. The accumulation of any amount of stagnant water or standing water which may allow the growth of bacterial organisms or breeding areas for mosquitoes.
- (b) "Repair" shall also mean the cutting and mowing of the accumulation of weeds, grass and underbrush in excess of 12 inches in height and/or the correction or remedial action to

remove and eliminate accumulation of standing or stagnant water.

- (c) The Mayor or his designee shall be authorized to give notice to the property owner of requirement that the lot be cut or mowed and/or standing or stagnant water remedied within the notice requirements of said nuisance ordinance.
- (d) Maintenance by the owner or occupant of structures or land of a condition or act prohibited by the nuisance ordinance, as amended, shall constitute an offense against the city, which may be punished as a misdemeanor in the municipal court of the City of Williamson and/or may be abated as provided in said nuisance ordinance.

Sec. 9-5-4. POWER OF ENFORCEMENT, PENALTIES.

The Mayor, his authorized agent, or any local law enforcement personnel authorized by the Mayor and City Council is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes of this article, including the following powers, in addition to others herein granted:

- (a) To investigate the dwelling conditions in the city in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or unfit for current commercial, industrial, or business use;
- (b) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (c) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
- (d) To appoint and fix the duties of such officers, agents, employees of the city as he deems necessary to carry out the purposes of this article; and
- (e) To delegate any of his functions and powers under this article to such officers, agents and employees of the city as he may designate.
- (f) Penalties for the violation of this section, as referenced in Title 1 Chapter 1-1, are applicable in addition to any penalties stated within this chapter.
- (g) Each calendar day a violation of this section exists is considered a separate offense and penalties accumulate separately for each violation and each calendar day each violation exists.

Sec. 9-5-5. PROCEDURES FOR ENFORCEMENT.

- (a) The Mayor is hereby designated, as the public officer, to exercise the powers prescribed in this article. The Mayor may appoint a designee to exercise his powers under this article.
- (b) Whenever a request is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use, and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; the 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 of 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 municipal court or a court of competent jurisdiction as determined by O.C.G.A. § 41-2-5, as amended, at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper 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;

- (c) That 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 relevant 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.

Note: For purposes of this Code section, the court shall make its determination of "reasonable cost in relation to the present value of the

dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be 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 Georgia appraiser classification as provided in O.C.G.A. title 43, chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

3. That, 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."

4. 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 of public advertisement and bid. The public officer and governing authority 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;
5. That 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.
6. The lien provided for in paragraph (5) of this subsection shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the county where the real property is located and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(g). 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. tit. 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 city whose ordinance is being enforced. 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.

7. The tax commissioner shall collect and retain an amount equal to the cost of administering a lien authorized by this chapter unless such costs are waived by resolution of the county governing authority. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.
8. The city council may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality 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.
9. Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.
10. In addition to the procedures and remedies in this article, a governing authority may provide by ordinance that designated public officers may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this article.

Sec. 9-5-6. SERVICE OF SUMMONS AND ORDERS.

- (a) Complaints issued by a public officer pursuant to this article shall be served in the following manner. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three business days of filing of the complaint and at least ten days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:
 1. Personal service upon each owner and party in interest if such parties are residents of

the county. Service shall be perfected at least ten days prior to the date of the hearing. Service may be made by the public officer designated by ordinance to abate nuisances or by any law enforcement officer of the county or municipality whose ordinance is being enforced; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;

2. Pursuant to the provisions of O.C.G.A. tit. 48, ch. 4, art. 5; or
 3. Statutory overnight delivery.
- (b) If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by a certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in county tax filings and mailed at least 14 days prior to the date of the hearing.
- (c) Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least 14 days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.
- (d) In the event either the owner or any party in interest is a minor, an estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided for in subsection (c) of this Code section. If such owner or party in interest has not guardian or personal representative service shall be perfected by serving the judge of the probate court of the county wherein such property is located at least 30 days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.
- (e) In the event of unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the county wherein such property or interest is located shall be personally served at least 30 days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.
- (f) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, or if any owner or party in interest cannot, after due diligence, be served as provided in this code section, the public officer shall make an affidavit to that effect, and serve by publication in the manner provided in subsection (c) of this Code section, and such publication shall be sufficient proof that service was perfected.
- (g) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in

the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.

- (h) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Code section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. 9-5-7 REPEAL OF CONFLICTING ORDINANCES.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Chapter 9-6 DISORDERLY HOUSES

Sections:

- 9-6-1 Disorderly Houses Defined
- 9-6-2 Power of Enforcement
- 9-6-3 Service of Summons and Orders
- 9-6-4 Repeal of Conflicting Ordinances

Sec. 9-6-1. DISORDERLY HOUSES DEFINED.

- (a) It shall be unlawful for any person, either for himself or as agent of another, to permit persons who are acting in a boisterous, noisy or riotous manner to assemble in or about any house, building, structure, vehicle or upon any private property located within the city, owned, occupied or controlled by him, to the reasonable annoyance or disturbance of persons residing or working near said house, building, structure or vehicle.
- (b) It shall be unlawful for any person, either for himself or as agent of another, to permit persons who are gambling or participating in other illegal activity or purpose to assemble in or about any house, building, structure, vehicle or private property, within the city, owned, occupied or controlled by him.
- (c) It shall be unlawful for any person to assemble within or about a house, building, structure or vehicle, or upon private property, within the city, while acting in a boisterous, noisy or riotous manner, to the reasonable annoyance or disturbance of persons residing or working near said house, building, structure, vehicle or private property.
- (d) It shall be unlawful for any person to assemble within or about a house, building, structure, or vehicle, or upon private property, within the city, while participating in gambling or other illegal activity or purpose.

Sec. 9-6-2. POWER OF ENFORCEMENT, PENALTIES.

The Mayor, his authorized agent, or any local law enforcement personnel authorized by the

Mayor and City Council is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes of this article, including the following powers, in addition to others herein granted:

- (a) To investigate the dwelling conditions in the city in order to determine whether a house, building, structure, vehicle or actions upon any private property constitute a reasonable annoyance or disturbance of other persons, commercial activities or residents of the City;
- (b) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (c) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;
- (d) To appoint and fix the duties of such officers, agents, employees of the city as he deems necessary to carry out the purposes of this article; and
- (e) To delegate any of his functions and powers under this article to such officers, agents and employees of the city as he may designate.
- (f) Penalties for the violation of this section, as referenced in Title 1 Chapter 1-1, are applicable in addition to any penalties stated within this chapter.
- (g) Each calendar day a violation of this section exists is considered a separate offense and penalties accumulate separately for each violation and each calendar day each violation exists.

Sec. 9-6-3. SERVICE OF SUMMONS AND ORDERS.

- (a) Complaints issued by a public officer pursuant to this article shall be served in the following manner. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure or property within three business days of filing of the complaint and at least ten days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:
 - 1. Personal service upon each owner and party in interest if such parties are residents of the county. Service shall be perfected at least ten days prior to the date of the hearing. Service may be made by the public officer designated by ordinance to abate nuisances or by any law enforcement officer of the county or municipality whose ordinance is being enforced; and a return of service, filed with the clerk of the appropriate court, shall be deemed sufficient proof that service was perfected;
 - 2. Pursuant to the provisions of O.C.G.A. tit. 48, ch. 4, art. 5; or
 - 3. Statutory overnight delivery.
- (b) If any owner or party in interest is a resident of this state but resides outside of the county, service shall be perfected by a certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in county tax filings and mailed at least 14 days prior to the date of the hearing.
- (c) Nonresidents of this state, whose mailing address is known, shall be served by certified mail

or statutory overnight delivery, return receipt requested, mailed at least 14 days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.

- (d) In the event either the owner or any party in interest is a minor, an estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the county or is a nonresident of this state, he or she shall be served as provided for in subsection (c) of this Code section. If such owner or party in interest has not guardian or personal representative service shall be perfected by serving the judge of the probate court of the county wherein such property is located at least 30 days prior to the date of the hearing which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.
- (e) In the event of unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the judge of the probate court of the county wherein such property or interest is located shall be personally served at least 30 days prior to the date of the hearing, and it shall be the duty of the judge of the probate court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.
- (f) In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, or if any owner or party in interest cannot, after due diligence, be served as provided in this code section, the public officer shall make an affidavit to that effect, and serve by publication in the manner provided in subsection (c) of this Code section, and such publication shall be sufficient proof that service was perfected.
- (g) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, structure or property is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- (h) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Code section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. 9-6-4 REPEAL OF CONFLICTING ORDINANCES.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Chapter 9-7 ABANDONMENT OF JUNKED, DISMANTLED OR INOPERATIVE FURNITURE, APPLIANCES, MACHINERY OR EQUIPMENT

Sections:

- 9-7-1 Definitions
- 9-7-2 Prohibition
- 9-7-3 Enforcement
- 9-7-4 Violation – Penalty
- 9-7-5 Repeal of Conflicting Ordinances

Sec. 9-7-1 DEFINITIONS.

For the purposes of this section the following shall apply: "Abandoned, junked or inoperable furniture, appliances, machinery or equipment" shall be items incapable of, and not being used for the purposes for which they were intended.

Sec. 9-7-2 PROHIBITION.

It shall be unlawful for the owner, tenant, lessee, occupant, or person in possession of any lot or parcel of land in the City of Williamson to keep or permit to be kept or stored on said land any abandoned, , junked, dismantled or inoperative furniture, appliance, machinery or equipment or parts of same, which are not completely enclosed in a building, unless such premises have previously been zoned for the operation of a junkyard, or storage facility, and shall have been issued a business license for such operation by the city.

Sec. 9-7-3 ENFORCEMENT.

Should the Mayor, or anyone acting by his authority, or any local law enforcement personnel determine that any person is violating the terms of this section, the city clerk shall give the offending party five days' notice within which to remove such appliances, furniture, machinery or equipment or parts.

Sec. 9-7-4 VIOLATION, PENALTIES.

- (a) Should the person to whom the notice is directed fail to comply with the request made therein within the five-day period, any law enforcement officer or agent acting on behalf of the city shall be authorized to proceed with the bringing of charges as for the violation of any city ordinance as referenced in Chapter 1-1, section 1-5 of this Code and the Charter of the City of Williamson. Upon conviction, violations of this section shall be punished to the extent authorized by the City's Charter.
- (b) Each calendar day a violation of this section exists is considered a separate offense and penalties accumulate separately for each violation and each calendar day each violation exists.

Sec. 9-7-5 REPEAL OF CONFLICTING ORDINANCES.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.