

CODE OF ORDINANCES

Oglethorpe County, Georgia

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CHAPTER 1: GENERAL PROVISIONS

Section

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Section 1-101 How Code Designated and Cited

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of Oglethorpe County, Georgia, 2007," and may be so cited.

Section 1-102 Rules of Construction

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

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

Section 1-103

Definitions

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

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

Section 1-104 Section Headings

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

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

1. The repeal of a code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.
2. When any ordinance repealing a former code section, ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former code section, ordinance, clause, or provision, unless it shall be expressly so provided.

Section 1-106 Amending Code

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

Section 1-107 Altering Code

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance or resolution or other official act of the Board of Commissioners.

Section 1-108 Severability

The sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this code.

Section 1-109 Penalty Where No Penalty Provided

1. Whenever in this code or in any ordinance of the county any act is prohibited or is declared to be unlawful, or whenever in such code or ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of such provision of this code or any ordinance shall subject the person committing the violation to a fine not exceeding one thousand dollars (\$1,000.00) and costs or to imprisonment

for a term not exceeding one hundred eighty (180) days, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the judge of the court of the record.

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

Section 1-110 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:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
2. Any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness.
3. Any contract or obligation assumed by the county.
4. Any ordinance fixing the salary of any county officer or employee.
5. Any right or franchise granted by the county.
6. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the county.
7. Any appropriation ordinance.
8. Any ordinance which, by its own terms, is effective for a stated or limited term.
9. Any ordinance providing for local improvements and assessing taxes therefor.
10. Any zoning ordinance.
11. Any ordinance dedicating or accepting any subdivision plat.
12. Any ordinance describing or altering the boundaries of the county.
13. The administrative ordinances or resolutions of the county not in conflict or inconsistent with the provisions of this Code.
14. Any ordinance levying or imposing taxes not included in this Code.
15. Any ordinance establishing or prescribing street grades in the county.
16. Any ordinance setting the rate of ad valorem taxes.

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

PART I: ORGANIZATION OF THE GOVERNMENT

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CHAPTER 3: ADMINISTRATION

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ARTICLE I. IN GENERAL

Section 3-101 Reserved

Section 3-102 Code of Ethics

1. **Prohibited Conduct.** Public officials and employees of the county shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such official and employee shall include, but not be limited to, the following:
 - A. Granting or making available to any person any special consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public large;
 - B. Requesting, using, or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of himself or any other person, except as otherwise allowed by law;
 - C. Participating in the deliberation of or voting on any matter involving his financial or personal interest;
 - D. Engaging in private employment with, or rendering services for, any private person who has business transactions with the county, unless he has made full public disclosure of the nature and extent of such employment or services;
 - E. Appearing on behalf of any private persons, other than himself, before any public body in the county;
 - F. Accepting any gift, whether in the form of money, thing, favor, loan, or promise, that would not be offered or given to him if he were not an official or employee;
 - G. Disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the county, without prior formal authorization of the governing body;
 - H. Using or permitting the use of confidential information to advance the financial or personal interest of himself or any other person; or
 - I. Appointing or voting for the appointment of any person related to him by blood or marriage to fill an office, position, employment, or duty, when the salary, wages, pay, or compensation is to be paid out of public funds.
2. **Hearings and Determinations.** Upon the sworn complaint of any person alleging facts which if true would constitute a violation of this section, the Board of Commissioners shall conduct a public hearing at which the accused shall be given an opportunity to be heard, either personally or through Board of Commissioners. At the conclusion of said hearing, the Board of Commissioners shall, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the official or employee in question.

Section 3-103 Administrative Policy and Procedures

1. **Officers.** Each officer shall perform all duties required of his office by state law, the charter, and this code, and such other duties not in conflict therewith as may be required by the Chairman.

2. **Department Heads.** All department heads shall:
 - A. Be immediately responsible to the Chairman for the effective administration of their respective department and all activities assigned thereto;
 - B. Keep informed as to the latest practices in their particular field and implement, with the approval of the Chairman, such new practices as appear to be of benefit to the service and to the public;
 - C. Submit quarterly and annual reports of the activities of their respective department to the Chairman;
 - D. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the Chairman;
 - E. Have power, when authorized by the Chairman, to appoint and remove, subject to personnel regulations, all subordinates under him; and
 - F. Be responsible for the proper maintenance of all county property and equipment used in their respective departments.
3. **Departments.** Each department shall cooperate with every other department and shall furnish, upon the direction of the Chairman, any other department such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.
4. **Records.** All county records, except those which by order of a state court or by law are prohibited from being open to public inspection, shall be open for personal inspection by any citizen of Georgia during the hours of operation of the administrative service.
5. **Operation of Administrative Service.** All units in the administrative service shall:
 - A. **Office Hours.** Be open between the hours of 8 a.m. and 5 p.m. on weekdays and shall be closed Saturday, Sunday, and legal holidays.
 - B. **Make Daily Deposit.** Made a daily deposit with the County Clerk of any monies received directly from the public.
 - C. **Payment of Monies.** Pay out monies belonging to the county only in the manner prescribed herein.

Section 3-104 Reserved

Section 3-105 Bonds

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

Section 3-106 Compensation

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

ARTICLE II. THE BOARD OF COMMISSIONERS GENERALLY

Section 3-201 Reserved

Section 3-202 Reserved

Section 3-203 Reserved

Section 3-204 Meetings

1. **Open Meetings.** All meetings of the Board of Commissioners shall be held in accordance with the provisions of O.C.G.A. § 50-14-1 et seq. The public shall at all times be afforded access to all meetings other than executive sessions.

2. **Regular Meetings.** The regular meetings of the Board of Commissioners shall be held monthly on the 2nd Monday of each month. All regular meetings shall be held at in the Board of Commissioners Conference Room. A notice containing the information described in this section shall be posted and maintained at the Board of Commissioners office.
3. **Special Meetings and Rescheduled Regular Meetings.** A regular meeting may be canceled, rescheduled or moved to a new location by the Chairman for any reason. Other special meetings may be scheduled by the Chairman or at the request of two (2) commissioners. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least twenty-four (24) hours at the place of the regular meetings. This written notice shall include the purpose of the meeting. In addition, written or oral notice shall be given by the clerk at least twenty-four (24) hours in advance of the meeting to the legal organ of the county and to each member of the commission.
4. **Emergency Meetings.** When emergency circumstances occur, the Board of Commissioners may hold a meeting with less than twenty-four (24) hours' notice to the public. When such meetings are to be held, the County Clerk shall provide notice to the legal organ of the county and to each commissioner as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.
5. **Executive Session.** Executive sessions of the Board of Commissioners may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. §§ 50-14-2 and 51-14-3. Where a meeting of the Board of Commissioners is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the Board of Commissioners taken in a public meeting. The minutes of the public meeting shall reflect the names of the commissioners present, those voting for th executive session and the specific reasons for th executive session. Minutes of the executive session may be maintained by the County Clerk at the direction of the Chairman. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosures, except that disclosures of such portions of minutes identifying real estate to be acquired by the Board of Commissioners may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated. Voting on any issue shall not take place during a closed meeting but shall be done, if appropriate, in open session following the executive session.
6. **Agenda and Minutes.** An agenda of the subjects acted on and those members present at a meeting of the Board of Commissioners shall be written and made available to the public for inspection within two (2) business days of the adjournment of a meeting of the Board of Commissioners. The minutes of a meeting of the Board of Commissioners shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency, but in no case later than immediately following the next regular meeting of the Board of Commissioners.
 - A. **Minutes.** Minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll-call vote, the name of each person voting for or against a proposal shall be recorded and in all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining. Official minutes of the meeting of a county governing authority shall be maintained in the offices of the governing authority. Copies of contracts, maps, or similar material or documents related to actions taken by a governing authority may be included in the minutes or incorporated by reference to an alternate location. Where incorporated by reference, such documents shall be stored in a central location or locations identified by ordinance or resolution of the governing authority.
 - B. **Agenda.** If any individual desires to be heard at the next regularly scheduled meeting of the Board of Commissioners, he shall request the Commissioner's Clerk to place his name and the topic to be addressed on the agenda by Noon on the Wednesday prior to the meeting. The agenda shall be prepared at least twenty-fours (24) hours prior to each regular meeting of the Board of Commissioners unless another officer or employee is directed to prepare the agenda. On the agenda shall be listed each item intended to be brought up at the meeting for discussion or action. Matters shall be placed on the agenda at the request of any commissioner, elected officer, or department head at the request of any member of the public in the manner described above. The Commissioner's Clerk will cause copies of the agenda to be prepared in advance and posted in the courthouse at least twenty-four (24) hours prior to each regular

meeting. Any agenda item not reported to the Commissioner's Clerk by Noon on the Wednesday prior to the meeting, may, at the discretion of the commissioners, be left off the agenda and placed on the agenda of the next regular meeting.

Section 3-205 Reserved

Section 3-206 Rules for the Conduct of Business

Except as otherwise provided in this section, Roberts' Rules of Order shall govern the conduct of Board of Commissioners meetings.

1. **Call to Order.** All meetings of the Board of Commissioners shall be open to the public. The Chairman, or in his absence, the Chairman pro tempore, shall take the chair at the hour appointed for any regular, temporarily adjourned, special, or called meeting; and shall immediately call the Board of Commissioners meeting to order.
2. **Reserved.**
3. **Quorum.** Four (4) members elected to the Board of Commissioners shall constitute a quorum at any regular or special meeting of the Board of Commissioners and an affirmative vote of a majority of such number shall be sufficient to permit the conduct of all business except that for which a larger vote has been mandated by this code. Any member of the Board may raise a point or order directed to the Chairman if he believes that a quorum is not present. If, during the course of a meeting, a member of the Board of Commissioners believes a quorum no longer exists, the meeting cannot continue. If a quorum is not attained within thirty (30) minutes, the meeting will be rescheduled by the Chairman with the approval of the members of the Board of Commissioners present.
4. **Order of Business.** The business of the Board of Commissioners shall be taken up for consideration and disposition in the following order, unless this order is temporarily suspended by unanimous consent:
 - A. Call to order by presiding officer
 - B. Approval of minutes of previous meeting
 - C. Comments and communications
 - D. Reports of officers
 - E. Reports of department heads
 - F. Reports of special committees
 - G. Unfinished business
 - H. New business
 - I. Adjournment
5. **Reading of Minutes.** Unless a reading of the minutes of a Board of Commissioners meeting is requested by a member of the Commission, such minutes may be approved without a reading if the County Clerk has previously furnished each member with a copy thereof.
6. **Reports By Committees.** Any business coming before the Board of Commissioners concerning the subject matter of which any standing or special committee has jurisdiction, may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the Chairman, or any member of the Board of Commissioners, to examine any matter referred to such committee, and make a report thereof at the next regular meeting of the Board of Commissioners, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the presiding officer. Each standing committee shall examine the matters within its jurisdiction, and make such reports and recommendations from time to time as may be necessary.
7. **Manner of Addressing the Commission.** No member, while the Board of Commissioners is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt anyone who is speaking, except to call him to order or for explanation.
8. **Limitations on Addressing Board of Commissioners.** Any person not a member of Board of Commissioners who desires to address the Board of Commissioners shall first secure the permission of the presiding officer, and then shall step up in front of the rail, give his name and address in an audible tone of voice for the record, and direct his remarks to the Board of Commissioners as a body rather than to any particular member, limiting such remarks to five (5) minutes unless additional time is granted by Board of Commissioners.
9. **Ordinances, Resolutions, Regulations, Contracts and Inter-local Agreements.** Unless otherwise provided in this code, all ordinances, resolutions, contracts, and inter-governmental agreements of the county shall be prepared, approved, introduced, and adopted in the following manner:

- A. Preparation.** No ordinance shall be prepared for presentation to the Board of Commissioners unless ordered by a majority vote of the Board of Commissioners, or requested in writing by the Chairman, or prepared by the County Attorney on his own initiative.
 - B. Administrative Staff Approval.** All ordinances, resolutions, and contract documents shall, before presentation to the Board of Commissioners, have been approved as to form and legality by the County Attorney or his authorized representative, and shall have been examined and approved for administration by the Chairman or his authorized representative where there are substantive matters of administration involved. All such instruments shall have first been referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution, or contract document would involve and be approved by said department head; provided, however, that if approval is not given, then the same shall be returned to the Chairman with a written memorandum of the reasons why such approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection, or objection is not withdrawn and approval in writing given, then the Chairman shall so advise the Board of Commissioners and give the reasons advanced by the department head for withholding approval.
 - C. Introduction and Adoption.**

 - (1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "the Board of Commissioners of Oglethorpe County hereby ordains. . ." and every ordinance shall so begin.
 - (2) An ordinance may be introduced by any member of the Board of Commissioners and be read at a regular or special meeting of the Commission. Upon introduction of any ordinance, the County Clerk shall, as soon as possible, distribute a copy to the Chairman and to each member of the Board of Commissioners and shall file a reasonable number of copies in the office of the County Clerk and at such other public places as the Board of Commissioners may designate.
 - (3) No ordinance shall be put on its final passage on the same day it is introduced.
 - (4) Each ordinance shall be read at two (2) consecutive meetings of the Board of Commissioners. This subsection may be waived by two-thirds ($\frac{2}{3}$) of those voting upon the question of waiver.
 - (5) No ordinance shall relate to more than one (1) subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this code.
 - (6) An ordinance, resolution, or contract shall be deemed, adopted, or rejected by the Board of Commissioners in accordance with the rules which the Board of Commissioners shall establish. Such ordinances adopted by the Board of Commissioners shall have the full force and effect of law.
 - D. Effective Date.** No ordinance shall take effect until ten (10) days after its adoption unless deemed an emergency measure, in which case the ordinance shall take effect immediately.
 - E. Emergencies.** To meet a public emergency affecting life, health, property, or public peace, the Board of Commissioners may convene on call of the Chairman or three (3) members of the Board of Commissioners and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) members of the Board of Commissioners shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- 10. Recording Vote.** Whenever any member shall request it the yeas and nays of the members present shall be recorded on the minutes on any question taken.

11. **Questions of Order.** The presiding officer shall decide all questions of order, but any council member who is dissatisfied with the decision may appeal to the Board of Commissioners in the manner provided by Roberts' Rules of Order for appealing from decisions of presiding officers.
12. **Elections.** All elections by the Board of Commissioners shall be by ballot, and a majority vote of the whole Board of Commissioners shall be necessary to an election.
13. **Executive Session.** The Board of Commissioners may, at any time, upon call therefore by the presiding officer or upon motion duly carried by a council member, meet in executive session. Attendance at such sessions shall be limited to the Chairman and members of Board of Commissioners and such invites as shall be invited with the unanimous consent of the Chairman and the Board of Commissioners.

Section 3-207 Legislative Authority Generally

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

ARTICLE III. THE CHAIRMAN

Section 3-301 Reserved

Section 3-302 Reserved

Section 3-303 Reserved

Section 3-304 Reserved

Section 3-305 Reserved

Section 3-306 Removal

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

1. By an order of the Oglethorpe County Superior Court following a hearing on a complaint seeking such removal brought by any resident of Oglethorpe County.
2. By recall pursuant to Georgia law; or
3. Pursuant to the terms of general law.

Section 3-307 Procedure for Removal

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

Section 3-308 Reserved

ARTICLE IV. RESERVED

ARTICLE V. OFFICERS AND EMPLOYEES

Section 3-501 The County Attorney

1. **Appointment and Qualifications.** The County Attorney shall be appointed by the Chairman, by and with the advice and consent of the Board of Commissioners, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless he is a member in good standing of the State Bar of Georgia and has been actively engaged in the practice of law for at least three (3) years preceding his appointment.

2. **Oath.** Before entering upon the duties of his office, the County Attorney shall take the oath prescribed by this code for county officers.
3. **Powers and Duties.** The County Attorney shall be the legal advisor and representative of the county and in such capacity shall:
 - A. Advise the Board of Commissioners or its committees or any county officer, when thereto requested, upon all legal questions arising in the conduct of county business;
 - B. Prepare or revise ordinances when so requested by the Board of Commissioners or any committee thereof, and keep the code of ordinances of the county up-to-date and properly indexed;
 - C. Give his opinion upon any legal matter or question submitted to him by the Board of Commissioners, or any of its committees, or by any county officer;
 - D. Attend all meetings of the Board of Commissioners as directed for the purpose of giving the Board of Commissioners any legal advice requested by its members;
 - E. Prepare for execution all contracts and instruments to which the county is a party and approve, as to form, all bonds required to be submitted to the county;
 - F. Prepare, when authorized by the Board of Commissioners, all charges and complaints against, and appear in the court in the prosecution of every person charged with a violation of this code or county legislation, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the county;
 - G. Represent and defend any and all suits and actions at law or equity brought against the county, unless otherwise directed by the Board of Commissioners ;
 - H. Make immediate reports to the Chairman and Board of Commissioners of the outcome of any litigation in which the county has an interest;
 - I. Make an annual report to the Chairman and Board of Commissioners of all pending litigation in which the county has an interest and the status thereof;
 - J. Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the county or in which the county is concerned as debtor or creditor, now existing or which may hereafter arise not involving or requiring payment to exceed and amount as determined by the Board of Commissioners;
 - K. Keep complete and accurate records of the following, which records shall forever remain the property of the county:
 - (1) All suits in which the county had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and
 - (2) All written opinions prepared by the County Attorney and all certificates or abstracts of titles furnished by him to the county, or any department or official thereof.
 - L. Render such other legal services as may be required by the Chairman or Board of Commissioners.
4. **Compensation.** The County Attorney shall submit to the Board of Commissioners a monthly bill for his services, itemizing the type of work performed for the county and the number of hours engaged in each type of work during the month.

Section 3-502 **Reserved**

Section 3-503 **Public Officers and Employees - Labor Practices; Strikes by Public Employees Prohibited**

1. As used in this section, the term:
 - A. **Public Employee.** Any person holding a position by appointment or employment in the government of this state or any person holding a position which provides essential public services without which the public health, safety, welfare, or morals would be without which the public health, safety, welfare, or morals would be endangered, by appointment or employment in the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
 - B. **Public Employment.** The appointment or employment in the government of this state or the government of a county, municipality, school system, or other political subdivision of this state or in any agency, authority, board, commission, or public institution of this state or political subdivision thereof.
 - C. **Strike.** The failure to report for duty, the willful absence from one's position, the stoppage or deliberate slowing down of work, or the withholding in whole or in part of the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing change in the conditions,

compensation, rights, privileges, or obligations of public employment; provided, however, that nothing in this article shall limit or impair the right of any public employee to express or communicate a complaint or opinion on any matter related to the conditions of public employment so long as the same is not designed to and does not interfere with the full, faithful, and proper performance of the duties of employment.

2. No public employee shall promote, encourage, or participate in any strike. Provided, however, that no right to collective bargaining currently recognized by law is abridged by this act.
3. No person exercising any authority, supervision, or direction over any public employee shall have the power to authorize, approve, or consent to a strike by one or more public employees; and such person shall not authorize, approve, or consent to such strike.
4. Any public employee who violates Code Section 45-19-2 shall be deemed to have terminated his or her employment; shall forfeit his or her civil service status, job rights, seniority, and emoluments, if any; and subsequent to such violation shall not be eligible for appointment or reappointment or employment or preemployment in public employment for a period of three (3) years after such violation except upon the following conditions:
 - A. His or her direct or indirect compensation shall in no event exceed that received by him or her immediately prior to the time of such violation;
 - B. His or her direct or indirect compensation shall not be increased for three (3) years after such subsequent appointment or reappointment or employment or preemployment; and
 - C. He or she shall be on probation for period of five (5) years following such appointment or reappointment or employment or preemployment, during which period he or she shall serve without tenure and at the pleasure of the appointing or employing officer of body.
5. Any person who is not a public employee and who shall knowingly incite, agitate, influence, coerce, persuade, or picket to urge a public employee to strike shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed one (1) year, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or both.

Section 3-504 Group Self-insurance Workers' Compensation Fund

1. The Board of Commissioners participates in the Association County Commissioners of Georgia Group Self-insurance Workers Compensation Fund (ACCG-GSIWCF).
2. The Board of Commissioners has reviewed the GSIWCF's loss contract and safety incentive requirements, which requirements include:
 - A. Appointment of a safety coordinator;
 - B. Conducting at least four (4) safety/accident review meetings each year;
 - C. Attending training workshop or seminar conducted by Local Government Risk Management Services (LGRMS) and to cooperate and support GSIWCF's safety and loss control program as administered by LGRMS;
 - D. Adopting certain personnel and administrative procedures including posting valid panel of physicians notices and workers' compensation bill of rights notices, explaining the panel of physicians and bill of rights to each new employee, and completing a post-offer of employment medical inquiry for each new employee to be maintained in a file separate from the employee's personnel file;
 - E. Requiring employees to use seat belts; and
 - F. Continuing to implement the county's drug-free workplace program.
3. The Board of Commissioners has fully complied with all the requirements of the ACCG-GSIWCF incentive program and the Chairman is authorized to sign the appropriate verifications.

Section 3-505 Operations

The commencement of operations and the continuing operations of the Association County Commissioner of Georgia Interlocal Risk Management Agency (ACCG-IRMA), and the obligation of this county to fully participate in such operations, shall be effectuated in accordance with the contract and bylaws on file in the office of the County Clerk.

Section 3-506 County Representative

The Chairman of the Board of Commissioners is designated as the county's representative to the Association County Commissioners of Georgia Interlocal Risk Management Agency. The county may change its representative by informing ACCG-IRMA of the change in writing.

ARTICLE VI. RECORDS MANAGEMENT PROGRAM

Section 3-601 Records Management

The Retention Schedules for Local Government Records, as complied by the Georgia Department of Archives and History and as approved by the State Records Committee, are hereby adopted incorporated by reference as if fully set out herein.

(Adopted 10/11/2010)

ARTICLE VII. RECREATION COMMISSION

Section 3-701 Established

Under the provision of *O.C.G.A. § 36-64-1 et seq.*, the Board of Commissioners establishes the County Recreation Commission.

Section 3-702 Composition

The Recreation Commission shall consist of a minimum of five (5) persons and a maximum of nine (9) persons.

Section 3-703 Compensation

The members of the Recreation Commission shall serve without compensation.

Section 3-704 Terms

The terms of office of the members of the Recreation Commission shall be three (3) years or until a successor is appointed and qualified. In making the initial appointments or in filling vacancies, the Board of Commissioners may vary the initial terms of members or the terms of persons appointed to fill vacancies in such a manner that thereafter the term of at least one (1) member shall expire each year.

Section 3-705 Filling Vacancies

Vacancies occurring in the membership of the Recreation Commission, other than by expiration of a term, shall be filled by the Chairman of the Board of Commissioners for the unexpired term only.

Section 3-706 Organization Meeting

Immediately after their appointment, the members of the Recreation Commission shall meet and organize to elect a chairperson and other necessary officers.

ARTICLE VIII. EMPLOYEE HANDBOOK

The Oglethorpe County Employee Handbook adopted December 11, 2006 and revised November 8, 2010, is incorporated by reference as if fully set out herein.

ARTICLE IX. COUNTY PROPERTY

Section 3-901 Motor Vehicles

Every motor vehicle which is owned or leased by any county, municipality, regional development center, county or independent school system commission, board, or public authority or which has been purchased or leased by any public official or public employee with public funds shall have affixed to the front door on each side of such vehicle a clearly visible decal or seal containing the name of or otherwise identifying such governmental entity. The requirements of *O.C.G.A. § 36-89-1* shall not apply to:

1. Any vehicle used for law enforcement or prosecution purposes; or
2. Any vehicle owned or leased by a county or municipality expressly excepted from the provisions of *O.C.G.A. § 36-89-1* by a resolution or ordinance adopted by the governing authority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subauthority of a county or municipality following a public hearing on the subject held no more than fourteen (14) days prior to the adoption of the ordinance or resolution.

CHAPTER 4: REVENUE AND FINANCE

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ARTICLE I. TAXES

Section 4-101 Ad Valorem Tax

1. **Rate of Levy.** There is hereby set and levied to meet the ordinary current expenses of Oglethorpe County an annual ad valorem tax as determined by the Board of Commissioners upon all real and personal property within the county. There is also hereby set and levied, for the payment of principal and interest on general obligation bonds, an annual ad valorem tax as determined by the Board of Commissioners upon all real and personal property within the county. Such levies shall be shown separately on all tax bills.
2. **Assessment and Fair Market Value.** All property subject to municipal ad valorem taxation shall be assessed at forty percent (40%) of its fair market value. The basis for fair market value shall be one hundred percent (100%) of the fair market value determined for the property by the county for county ad valorem tax purposes.
3. **Appeal of Assessment.** Any taxpayer may appeal from an assessment by the county Board of Tax Assessors to the county Board of Equalization as to matters of taxability, uniformity of assessment, and value. The taxpayer or the county Board of Tax Assessors may appeal to the Oglethorpe County Superior Court from a decision of the county Board of Equalization. All such appeals shall be made in the manner provided in *O.C.G.A. § 48-5-311*.
4. **When Taxes Due and Payable.** Ad valorem taxes shall become due on the twentieth day of December each year and shall be deemed delinquent if not paid by the twentieth. Tax bills showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and penalties shall be sent to all taxpayers at least thirty (30) days prior to the due date, but failure to send a tax bill shall not invalidate any tax. Any taxes willfully not paid within ninety (90) days of the due date shall be delinquent. Delinquent taxes shall bear an interest at one percent (1%) per month from the date the tax is due in addition to a penalty of ten percent (10%) of the amount of revenue held in trust and not paid on or before the time prescribed by law. (See *O.C.G.A., § 48-2-44*).
5. **Failure to Pay Tax.** The county shall forthwith issue an execution against any person who has defaulted in the payment of any ad valorem tax to be paid. The execution thus issued shall be a lien on all the property of such person, both real and personal, and shall be placed in the hands of the county officer responsible for collection by levy and sale.

The County Treasurer or other person authorized to collect the taxes due to the municipality may attach the property of the delinquent taxpayer on any ground provided by *O.C.G.A. § 18-3-1* or on the ground that the taxpayer is liquidating his property in an effort to avoid payment of the tax. The County Treasurer may use garnishment to collect the tax pursuant to *O.C.G.A. § 48-3-1 et seq.*, or may levy upon all property and rights to property belonging to the taxpayer not otherwise exempt, for the payment of the amount due, together with any interest on the amount, any penalty for non-payment, and such further amount as shall be sufficient for the fees, costs, and expenses of the levy. Judicial sales shall be conducted pursuant to *O.C.G.A. § 48-2-55*.

The finance officer or other person authorized to collect taxes shall enter on the execution the name of the person garnished and shall return the execution to the court. The subsequent proceedings on the garnishment shall be the same as on garnishments in cases when judgment has been obtained.

6. **Against Whom Charged.** Taxes are to be charged against the owner of the property, if known, or against the specific property itself if the owner is not known. Life tenants and those who enjoy the use of the property are chargeable with the tax thereon.
7. **Exempted Property.** The following property shall be exempt from ad valorem taxation:
 - A. All public property;
 - B. All places of religious worship and places of burial;

- C. All property owned by religious groups and used only for single family residences when no income is derived from the property;
- D. All public charities;
- E. All nonprofit hospitals; and
- F. All buildings used as a college, university, or other seminary of learning.

Note: See O.C.G.A. § 48-5-41 for a complete list of exempted property. See O.C.G.A. §§ 48-5-354 through 48-5-356 for additional special exempt property.

Section 4-102 Reserved

Section 4-103 Reserved

Section 4-104 Reserved

Section 4-105 Reserved

Section 4-106 Reserved

Section 4-107 Reserved

Section 4-108 Gross Direct Premiums Tax

1. **Rate of Levy on Life, Accident, and Sickness Insurers.** There is hereby set and levied for the year 1992 and for each calendar year thereafter upon each company authorized to write life, accident, and sickness insurance and to write life, accident, and sickness insurance and which is doing business within unincorporated Oglethorpe County an annual tax equal to one percent (1%) of the annual gross direct premiums received during the preceding calendar year from policies insuring persons residing within the corporate limits of the municipality.

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

2. **Rate of Levy on All Other Insurers.** There is hereby set and levied for the calendar year 1992, and for each calendar year thereafter, upon each insurance company not taxed under the provisions of the preceding subsection (1) and which is doing business within unincorporated Oglethorpe County, an annual tax equal to two and one-half percent (2 ½%) of the annual gross direct premiums received during the preceding calendar year from policies insuring persons residing unincorporated Oglethorpe County. The tax levied by this subsection is in addition to any license fee imposed by this code.
3. **Due Date and Required Report.** The gross direct premiums tax levied herein shall be due and payable upon the effective date of this code and then annually. Payment shall be made to the County Clerk/Treasurer and shall be accompanied by a report showing the names and addresses of the agents representing the insurance company in the county, the classes of insurance written, the premiums received for each class, and such other reasonable information as may be required. The required report shall be made on forms prescribed by the County Clerk/Treasurer and made out over affidavit of an officer of the company. Payments shall be deemed delinquent if not received within forty-five (45) calendar days from the due date.
4. **False Information.** It is hereby declared to be a violation of this section for any person, firm, corporation, or agents thereof to knowingly give false or incomplete information on any report herein required to be filed.
5. **Confidentiality of Information.** All reports required to be filed under this section shall be confidential and the information contained therein shall be used solely by the officers of the county responsible for the administration of this section.
6. **Enforcement.** The taxes levied by this section may be enforced by execution in the same manner as other taxes of this municipality.

Section 4-109 Business License Tax on Depository Institutions

1. Definitions

- A. Bank.** Any financial institution chartered under the laws of any state or under the laws of the United States which is authorized to receive deposits in this state and which has a corporate structure authorizing the issuance of capital stock.
- B. Depository financial institution.** A bank or a savings and loan association.
- C. Savings and Loan Association.** Any financial institution, other than a credit union, chartered under the laws of any state or under the laws of the United States which is authorized to receive deposits in this state and which has a mutual corporate form.
- D. Rate of Levy.** There is hereby set and levied for 1999 and each calendar year thereafter upon each depository financial institution having an office located within Oglethorpe County a business license tax of twenty-five hundredths percent (0.25%) on the Georgia gross receipts as defined and allocated in O.C.G.A. §48-6-95.
- E. Due Date and Required Report.** Every depository financial institution subject to the business license tax authorized by this ordinance shall file a return of its gross receipts with the Oglethorpe County by March 1 of the year following the year in which such gross receipts are measured. Said return shall be in the manner and form prescribed by the Commissioner of the Department of Revenue based on the allocation method set forth in O.C.G.A. §48-6-93(a). Oglethorpe County shall assess and collect said tax based upon the information provided in the return. Payment shall be deemed delinquent if not received within forty-five (45) days from the due date.
- F. False Information.** It is hereby declared to be a violation of this section for any person, firm, corporation, or agents thereof to knowingly give false or incomplete information on any report herein required to be filed.
- G. Confidentiality of Information.** All reports required to be filed under this section shall be confidential and the information contained therein shall be used solely by the officers of the county responsible for the administration of this section.
- H. Enforcement.** The tax levied by this section may be enforced by execution in the same manner as other taxes of this municipality.

Section 4-110 Reserved

Section 4-111 Reserved

Section 4-112 Local Option Sales Tax

The Board of Commissioners is authorized to levy a local option sales tax in accordance with O.C.G.A. § 48-8-85.

Section 4-113 Local Option Income Tax

The Board of Commissioners is authorized to levy a local option income tax in accordance with O.C.G.A. § 48-7-144.

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

Section 4-114 Reserved

Section 4-115

Occupation Tax

1. **Occupation Tax Required; Occupation Tax Required for Business Dealings in Oglethorpe County.** From July 1, 1995 and for each succeeding year beginning January 1 and thereafter, each person engaged in any business, trade, profession, or occupation in the unincorporated area of Oglethorpe County, whether with a location in Oglethorpe County or in the case of an out-of-state business with no location in Georgia exerting substantial efforts within the state pursuant to *O.C.G.A. § 48-13-7*, shall pay an occupation tax for said business, trade, profession, or occupation; which tax and any applicable registration shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in Oglethorpe County, Georgia. If the taxpayer has no permanent business location in Oglethorpe County, Georgia, such business tax registration shall be shown to the representative of the Board of Commissioners or to any officer of the Sheriff's Department of Oglethorpe County, Georgia, upon request.
2. **Construction of Terms; Definitions.** As used in this ordinance, the term:
 - A. **County** means Oglethorpe County, Georgia or the Board of Commissioners of Oglethorpe County, Georgia, as appropriate.
 - B. **Administrative fee** means a component of an occupation tax which approximates the reasonable cost of handling and processing the occupation tax.
 - C. **Location of office** shall include any structure or vehicle where a business, profession, or occupation is conducted but shall not include a temporary work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office.
 - D. **Occupation tax** means a tax levied on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business for revenue raising purposes.
 - E. **Regulatory fees** means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business but may not be used as a means of raising revenue for general purposes; but provided the amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by Oglethorpe County. A regulatory fee may not include an administrative fee. Development impact fees as defined by paragraph 8 of *O.C.G.A. § 36-71-2* or other costs or conditions of zoning or land development are not regulatory fees.
 - F. **Dominant line** means the type of business, within a multiple-line business, that the greatest amount of income is derived from.
 - G. **Person** shall be held to include sole proprietors, corporations, partnerships, nonprofits, or any other form of business organization, but specifically excludes charitable nonprofit organizations which utilize fifty percent (50%) of their proceeds for charitable purposes,
 - H. **Practitioner of profession or occupation** is one who by state law requires state licensure regulating such profession or occupation.
 - I. **Practitioner of professions and occupations** shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.
 - J. **Employee** means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds PICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation an IRS form W-2 but not an IRS form 1099.
3. **Administrative and Regulatory Fee Structure; Occupation Tax Structure.**
 - A. A nonprorated, nonrefundable administrative fee of twenty-five dollars (\$25.00) shall be required on all business and occupation tax accounts for the initial start-up, renewal, or reopening of those accounts.
 - B. A regulatory fee will be imposed as provided under *O.C.G.A. § 48-13-9* on those applicable businesses. A regulatory fee may not include an administrative fee.
 - C. The regulatory fee schedule for persons in occupations and professions is twenty-five dollars (\$25.00) for businesses as follows:
 - (1) Building and Construction Contractors, subcontractors, and workers ;
 - (2) Carnivals;
 - (3) Taxicab and Limousine Operators;
 - (4) Tattoo artists;

- (5) Stables;
- (6) Shooting galleries and firearm ranges;
- (7) Scrap metal processors;
- (8) Pawnbrokers;
- (9) Food service establishments;
- (10) Dealers in precious metals;
- (11) Firearms dealers;
- (12) Peddlers;
- (13) Parking lots;
- (14) Nursing and personal care homes;
- (15) Newspaper vending boxes;
- (16) Modeling agencies;
- (17) Massage parlors;
- (18) Landfills;
- (19) Auto and motorcycle racing;
- (20) Boarding houses;
- (21) Businesses which provide appearance bonds;
- (22) Boxing and wrestling promoters;
- (23) Hotels and motels;
- (24) Hypnotists;
- (25) Handwriting analysts;
- (26) Health club, gyms, and spas;
- (27) Fortunetellers;
- (28) Garbage collectors;
- (29) Escort services;
- (30) Burglar and fire alarm installers; and
- (31) Locksmiths.

4. Occupation Tax Levied; Restrictions.

- A.** An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices or upon the applicable out-of-state businesses with no location or office in Georgia pursuant to *O.C.G.A. § 48-13-7* based upon the number of employees of the business or practitioner.
- B. Occupation Tax Schedule.** Number of employees - The tax rate determined by number of employees for each business, trade, profession, or occupation is as follows and will be developed and updated from time to time:

Employees	Tax Liability
1-5	\$25.00
6 and over	\$5.00 per employee

- 5. Paying Occupation Tax of Business with No Location in Georgia.** Registration and assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state of Georgia if the business's largest dollar volume of business in Georgia is in Oglethorpe County or the business or practitioner:
 - A.** Has one or more employees or agents who exert substantial efforts within the jurisdiction of Oglethorpe County for the purpose of soliciting business or serving customers or clients; or
 - B.** Owns personal or real property which generates income and which is located within the jurisdiction of Oglethorpe County.
- 6. The Number of Businesses Considered to Be Operating in Oglethorpe County.** Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of the occupation tax.
- 7. Professionals As Classified in *O.C.G.A. § 48-13-9(c)*.** Practitioners of professions as described in *O.C.G.A. § 48-13-9(c)* (1) through (18) shall pay as their occupation tax a fee of twenty-five dollars (\$25.00) per practitioner

who is licensed to provide the service, such tax to be paid at the practitioner's office or location; provided, however, that a practitioner paying according to this paragraph shall not be required to provide information to the local government relating to the gross receipts of the business or practitioner. The per-practitioner fee applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework. These professions and occupations include the following professions and occupations:

- A. Lawyers;
- B. Physicians licensed under Chapter 34 of Title 43;
- C. Osteopaths licensed under Chapter 34 of Title 43;
- D. Chiropractors;
- E. Podiatrists;
- F. Dentists;
- G. Optometrists;
- H. Psychologists;
- I. Veterinarians;
- J. Landscape architects;
- K. Land surveyors;
- L. Practitioners of physiotherapy;
- M. Public accountants;
- N. Embalmers;
- O. Funeral directors;
- P. Civil, mechanical, hydraulic, or electrical engineers ;
- Q. Architects;
- R. Marriage and family therapists, social workers, and professional counselors;
- S. Dealers of motor vehicles, as defined in *O.C.G.A.* §10-1-62; and
- T. Any other business, profession, or occupation for which state licensure or registration is required by state law, unless the state law regulating such business, profession, or occupation specifically allows for regulation by local governments.

8. **Practitioners Exclusively Practicing for a Government.** Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, instrumentalities of the United States, the state, or a municipality or county of the state shall not be required to obtain a license or pay an occupation tax for that practice.
9. **Purpose and Scope of Tax.** The occupation tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade, or calling. The occupation tax only applies to those businesses and occupations which are covered by the provisions of *O.C.G.A.* §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.
10. **Reserved.**
11. **Exemption on Grounds That Business Is Operated for Charitable Purpose.** No business on which a business registration or occupation tax is levied by this Ordinance shall be exempt from said registration or tax on the ground that such business is operated for a charitable purpose, unless fifty percent (50%) or more of the entire proceeds from said business are devoted to such purpose.
12. **Evidence of State Registration Required If Applicable; State Registration to Be Displayed.**
 - A. Each person who is licensed by the Secretary of State pursuant to Title 43 of the Official Code of Georgia Annotated shall provide evidence of proper and current state licensure before Oglethorpe County registration may be issued.
 - B. Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.
13. **Evidence of Qualification Required If Applicable.** Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency, or any other regulatory matter shall first, before the issuance of a Oglethorpe County business registration, show evidence that such requirements have been met.
14. **Liability of Officers and Agents; Registration Required; Failure to Obtain.** All persons subject to the occupation tax levy pursuant to this ordinance shall be required to obtain the necessary registration for said business as described in this ordinance, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a registration. Every person commencing business in Oglethorpe County after July 1, 1995 or December 31 of each year shall likewise obtain the required

registration before commencing the same; and any person transacting, or offering to transact in Oglethorpe County, any of the kinds of business, trade, profession, or occupation without first having so obtained said registration, shall be subject to penalties provided in Section 15.

15. When Registration and Tax Due and Payable; Effect of Transacting Business When Tax Delinquent.

A. Each such registration shall be for the calendar year in which the registration was obtained unless otherwise specifically provided. There is hereby imposed a penalty upon each business which fails to apply for and obtain an appropriate business registration and pay all tax and fees as provided herein before January 1 of each year, and on January 1 each year hereafter except for 1995 as provided in Section 10. Every person commencing business in Oglethorpe County after July 1, 1995 or January 1 of each year shall obtain the registration required before commencing such business. Any person transacting or offering to transact in Oglethorpe County any business, trade, profession, or occupation without first having obtained said registration shall be subject to the penalties provided in Section 16. Said penalties shall be in addition to all other penalties, civil and criminal herein provided; and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied. *(Amended 7/13/2009)*

16. Penalty of Ordinance Violation.

A. Conducting Business Without Obtaining a Business Registration. Any person operating a business in Oglethorpe County without a business registration shall, upon conviction before the Oglethorpe County Magistrate Court, be fined in an amount not to exceed one thousand dollars (\$1,000.00) or imprisoned not to exceed sixty (60) days, either or both, in the discretion of the Oglethorpe County Magistrate Court.

B. Delinquent renewal of Occupation Tax. Any person failing to renew or discontinue the appropriate business registration by January 1 will be subject to an initial penalty of fifty percent (50%) of the renewal fee. An additional penalty of one and one half percent (1.5%) of the original renewal fee, will be added for each delinquent month. The maximum penalty for delinquent renewal is sixty-eight percent (68%) for twelve (12) months. Any renewal that is delinquent for greater than twelve (12) months is considered to be invalid and is subject to the penalty described in Section 16A "Conducting Business without obtaining a Business Registration". *(Amended 7/13/2009)*

17. Businesses Not Covered by This Ordinance. The following businesses are not covered by the provisions of this Ordinance but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the State of Georgia or by local law:

- A.** Those businesses regulated by the Georgia Public Service Commission.
- B.** Those electrical service businesses organized under Chapter 3 of Title 46 of the Official Code of Georgia Annotated.
- C.** Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
- D.** Cooperative marketing associations governed by *O.C.G.A. §2-10-105*.
- E.** Insurance companies governed by *O.C.G.A. § 33-8-8*, et seq.
- F.** Motor common carriers governed by *O.C.G.A. § 46-7-15*.
- G.** Those businesses governed by *O.C.G.A. § 48-5-355*. (Businesses that purchase carload lots of guano, meats, meal, flour, bran, cottonseed, or cottonseed meal and hulls.)
- H.** Agricultural products and livestock raised in the state of Georgia governed by *O.C.G.A. § 48-5-356*.
- I.** Depository financial institutions governed by *O.C.G.A. § 48-6-93*.
- J.** Facilities operated by a charitable trust governed by *O.C.G.A. § 48-13-55*.

18. Occupation Tax Inapplicable Where Prohibited by Law or Provided for Pursuant to Other Existing Law. An occupation tax shall not apply to the gross receipts of any part of a business where such levy is prohibited or exempted by the laws of the State of Georgia or of the United States.

19. When Occupation Tax Due and Payable; Payment Options. The amount of occupation tax shall be payable to the said Oglethorpe County, at the office of the Board of Commissioners, on January 1 each year and delinquent if not paid on or before March 1 each year except for 1995. In 1995, payments shall be due on July 1 and delinquent if not paid by September 1.

20. More than One Place or Line of Business. Where a business is operated at more than one place or where the business includes more than one line, said business will pay an occupation tax in accordance with the prevailing taxing method and tax rate for the dominant line at each location.

21. Returns Confidential. Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent, or clerk of Oglethorpe County,

or any other person to divulge or make known in any manner the amount of gross receipts or any particulars set forth or disclosed in any occupation tax return required under this Ordinance. All contents of said return shall be confidential and open only to the officials, employees, agents, or clerks of Oglethorpe County using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by Oglethorpe County shall be classed as "employees." Nothing herein shall be construed to prohibit the publication by Oglethorpe County officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof; or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia, the United States, and other local governments.

22. **Inspections of Books and Records.** The Oglethorpe County Board of Commissioners, through its officers, agents, employees, or representatives, may inspect the books of the person or business for which the returns are made. The county shall have the right to inspect the books or records for the person or business of which the return was made in Oglethorpe County, Georgia, and upon demand such books or records shall be submitted for inspection by a representative of Oglethorpe County within thirty (30) days. Failure to submit such books or records within thirty (30) days shall be grounds for revocation of the tax registration currently existing to do business in Oglethorpe County. Adequate records shall be kept in Oglethorpe County, Georgia, for examination by the county at that county's discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of one hundred twenty-five percent (125%) of one percent per month times the amount deficient will be assessed for the period delinquent.
23. **Tax Registration to Be Revoked for Failure to Pay Tax, File Returns/ Permit Inspection of Books.** Upon the failure of any business to pay said occupation tax or any part thereof before it becomes delinquent, or upon failure to make any of said returns within the time required, or upon failure to make a true return, or upon failure to amend a return to set forth the truth, or upon failure to permit inspection of its books as above provided, any business tax registration granted by Oglethorpe County under this Ordinance permitting the owner of said business to do business for the current year shall be revoked. No new business tax registration shall be granted by Oglethorpe County for the operation of a business for which any part of the occupation tax provided for is at that time unpaid, or to an individual, firm, or corporation who has failed to submit adequate records as requested by Oglethorpe County in accordance with provisions found in Section 24. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by Oglethorpe County in the case of delinquent occupation tax.
24. **Effect of Failure to Comply with Ordinance Provisions; Continuing in Business after Tax Registration Revocation.** Any persons, their managers, agents, or employees, who do business in said Oglethorpe County after the registration for said business has been revoked as above, hereby required to make occupation tax returns, and who fail to make said returns within the time and in the manner herein provided, who refuse to amend such returns so as to set forth the truth, or who shall make false returns; and any persons, their managers, agents, or employees who refuse to permit an inspection of books in their charge when the officers, agents, employees, or representatives of Oglethorpe County request such inspection, during regular business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to penalties provided herein. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the local government in the case of delinquent occupation tax, to the extent permitted by law.
25. **Amendment/ Repeal of Provision.** This Ordinance shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the Oglethorpe County Board of Commissioners to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the jurisdiction of additional occupation taxes upon the same person, property, or business.
26. **Provisions to Remain in Full Force and Effect Until Changed by Governing Body.** This Ordinance shall remain in full force and effect until changed by amendment adopted by the Oglethorpe County Board of Commissioners. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.
27. **Requirement of Public Hearing.** The Oglethorpe County Board of Commissioners shall conduct at least one public hearing before adopting any ordinance or resolution regarding the occupation tax pursuant to O.C.G.A. §48-13-6 ©.
28. **Option to Establish Exemption or Reduction in Occupation Tax.** The Oglethorpe County Board of Commissioners may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one or

more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious, and the reasons shall be set forth in the minutes of the governing authority.

29. **Conflicts between Specific and General Provisions.** Where there is an apparent conflict in this Ordinance between specific and general provisions, it is the intention hereof that the specific shall control.

(Adopted 1/12/1998)

Section 4-116 Harvested Timber Tax

1. **Definitions.** The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - A. **Sale of Standing Timber.** The arm's length, bona fide sale of standing timber for harvest separate and apart from the underlying land and shall not include the simultaneous sale of a tract of land and the standing timber thereon.
 - B. **Standing Timber.** Softwood and hardwood pulpwood, chip and saw logs, saw timber, poles, posts and fuel wood. Such terms shall not include any of the following:
 - (1) Orchard trees or Christmas trees;
 - (2) Byproducts of standing timber such as straw, cones, leaves or turpentine;
 - (3) Byproducts of harvesting such as bark or stumps that are not included in the consideration between buyer or seller in lump sum or unit price sales; or
 - (4) Fuel wood harvested by the owner from his own property which is used exclusively for heating purposes within the premises occupied by such owner.
2. **Scope of Section.** The timber harvesting contractor shall give written notification to the County Clerk of the Board of Commissioners within forty-eight (48) hours after the startup (moving in of equipment or cutting of any trees). Such notice shall be on the following form:

NOTIFICATION OF HARVESTING

Harvesting Contractor: _____
Contact Person: _____
Address: _____
County: _____ State: _____ Zip: _____
Telephone Number: _____
Landowner: _____
Location: _____
Beginning Date: _____
Estimated Ending Date: _____

Upon receipt of a completed notification of harvesting form, the Board of Commissioners will issue to the harvesting contractor a permit to harvest trees in the county. At the completion of harvesting of the timber identified in the above notification form, this contractor shall give oral (phone call sufficient) notification of such completion.

Section 4-117 Insurers

1. **License Fee; License Fee for Additional Locations Generally.** There is levied an annual license fee as set forth in the schedule of fees and charges on file in the office of the County Clerk upon every insurance company engaging in the business of insurance within the corporate limits of the county, and there is levied an additional annual license fee in such amount for each separate business location in excess of one operated and maintained by any such company within the corporate limits.
2. **License Fee for Businesses Lending Money or Offering Term Financing of Sales; Taking Insurance Applications.** There is levied an additional license fee as set forth in the schedule of fees and charges on file in the office of the County Clerk on each insurance company for each separate business location not otherwise subject to a license fee under Section 4-117-1, which company is operated and maintained by a business organization which is

engaged in the business of lending money or transacting sales involving term financing and which, in connection with the loans or sales involving term financing, offers, solicits or takes applications for insurance through a licensed agent of the insurance company for insurance.

3. **License Fee for Additional Locations of Independent Agencies and Brokers.** There is levied an annual license fee upon independent agencies and brokers for each separate business location from which a life insurance business is conducted and which is not subject to the company license fee imposed by either Section 4-117-1 or Section 4-117-2, in the amount set forth in the schedule of fees and charges on file in the office of the County Clerk for each such location within the county.
4. **Gross Direct Premiums Tax.** There is levied an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the county in an amount equal to one percent (1%) of the gross direct premiums received during the calendar year in accordance with *O.C.G.A. § 33-8-8.1*. The term "gross direct premiums," as used in this section, shall mean gross direct premiums as used in *O.C.G.A. § 33-8-4*. The premium tax levied by this section is in addition to the license fees imposed by Sections 4-117-1 or 4-117-2.
5. **Gross Direct Premiums Tax on Classes of Insurance Other than Life, Accident and Sickness.** There is levied an annual tax upon each insurer, other than an insurer transacting business in the class of insurance designated in *O.C.G.A. § 33-3-5(1)* doing business as provided in *O.C.G.A. § 33-8-8.2* in an amount equal to two and one half percent (2 ½%) of the gross direct premiums received during the calendar year, in accordance with *O.C.G.A. § 33-8-8.2*. The term "gross direct premiums," as used in this section, shall mean gross direct premiums as used in *O.C.G.A. § 33-8-8.2(a)*.
6. **Due Date for License Fees.** License fees imposed in this article shall be due and payable April 1 of each year.

Section 4-118 Financial Institutions

1. **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - A. **Gross Receipts.** Has the same meaning as is ascribed to the term "gross receipts" for each such depository financial institution in *O.C.G.A. § 48-6-93*.
 - B. **Tax Levied.**
 - (1) Pursuant to the authority contained in *O.C.G.A. § 48-6-93* there is levied for each year, upon each state and national bank, each federal savings and loan association, and each state building and loan association located in the county, not exempted by state law, an annual business license tax at the rate of twenty-five hundredths percent (0.25%) of the gross receipts of each such institution, or one thousand dollars (\$1,000.00), per annum, whichever amount is greater.
 - (2) The taxes levied by subsection (1) of this section for each year shall be levied on the amount of gross receipts received by each such depository financial institution during the immediately preceding calendar year.
 - C. **Returns.** Each depository financial institution subject to the tax levied by this article shall file with the county not later than March 1 of each year a return of its gross receipts received by it during the immediately preceding calendar year. The returns shall be made in the manner and in the form prescribed by the Commissioner of the Department of Banking and shall be based on the allocation method set forth in *O.C.G.A. § 48-6-93(d)*. The tax levied pursuant to this article shall be assessed and collected based upon the information provided in the return.
 - D. **When Taxes Due and Payable.** The taxes levied by this article shall be due and payable on April 1 of each year.

Section 4-119 Prepaid Wireless Service

1. **9-1-1 Charge on Prepaid Wireless Transactions.** In accordance with *O.C.G.A. § 46-5-134.2*, there is hereby imposed a prepaid wireless 9-1-1 charge as defined by *O.C.G.A. § 46-5-134.2(a)(4)* upon every prepaid wireless retail transaction occurring within the jurisdiction of the public service answering point in the amount of seventy-five cents (\$0.75).
2. **Collection of 9-1-1 Charge on Prepaid Wireless Transactions.** Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the Commissioner of the Department of Revenue at the times and in the manner provided by Chapter 8 of Title 48 of the Official Code of Georgia Annotated with respect to the sales and use tax imposed on prepaid wireless calling service.

3. **Administrative Provisions.** The County Clerk is hereby directed to file with the State Revenue Commissioner a certified copy of this ordinance and amendments thereto in accordance with O.C.G.A. § 46-5-134.2(j)(1), by December 31, 2011.
4. **Depositing of Funds; Use of Funds.** In accordance with O.C.G.A. § 46-5-134.2(j)(5), funds received by this city from charges imposed by this ordinance shall be deposited in the Emergency Telephone System Fund maintained by this city pursuant to O.C.G.A. § 46-5-134(d)(2) and kept separate from general revenue of the jurisdiction. All such funds shall be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134 (f).
5. **Effective Date.** The ordinance shall become effective January 1, 2012.

(Adopted August 8, 2011)

ARTICLE II. RESERVED

ARTICLE III. BUDGET

Section 4-301 Fiscal Year

The county shall operate on a fiscal year which shall begin on the first day of January and end on the last day of December.

Section 4-302 Requirement of Annual Balanced Budget

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

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

Section 4-303 Adoption of Budget Ordinances or Resolutions

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

Section 4-304 Budget Officer

The county may appoint a budget officer to serve at the will of the Board of Commissioners. If no budget officer is appointed the Board of Commissioners shall perform the duties. The county may use an executive budget utilizing a chief executive and a budget officer.

Section 4-305 Procedures for Adoption of Budget

1. By the date established by the governing authority, in such manner and form as may be necessary to effect this article, and consistent with the county's accounting system, the budget officer shall prepare a proposed budget for the county for the ensuing fiscal year.
2. The proposed budget shall be an estimate of the financial requirements of each department or agency, by fund, for the budget year and shall be in such form and detail, with such supporting information and justifications, as may be prescribed by the budget officer or the Board of Commissioners. The budget document, at a minimum, shall provide a statement of the amount budgeted for anticipated revenues by category and the amount budgeted for expenditures by category for the current year, including budget amendments, and the anticipated revenues and proposed expenditures for the proposed budget year.
3. No later than May, the proposed budget shall be submitted to the Board of Commissioners for review prior to enactment of the budget ordinance or resolution.

4. On the day that the budget is submitted to the Board of Commissioners, a copy of the budget shall be placed in a public location which is convenient to the residents of the county. The Board of Commissioners shall make every effort to provide convenient access to the residents during reasonable business hours so as to accord every opportunity to the public to review the budget prior to adoption. A copy of the budget shall also be made available, upon request, to the news media.
5. (a) At the time of submission of the budget to the Board of Commissioners, a statement advising the residents of the county of the availability of the budget shall be published in a newspaper of general circulation in the county. The notice shall be published during the week in which the proposed budget is submitted to the governing authority. The statement shall also advise residents the public hearing will be held at which time any persons wishing to be heard on the budget may appear. The statement shall be a prominently displayed advertisement or news article and shall not be placed in that section of the newspaper where legal notices appear.
(b) The Board of Commissioners shall give notice of the time and place of the required budget hearing at least one (1) week before the budget hearing is held.
6. At least one (1) week prior to adoption of the budget ordinance or resolution, the Board of Commissioners shall conduct a public hearing, at which time any persons wishing to be heard on the budget may appear.
7. Nothing in this section shall be deemed to preclude the conduct of further budget hearings if the Board of Commissioners deem such hearings necessary and complies with the requirements of subsection (5).

Section 4-306 Form and Content of Budget

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

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

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

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

Section 4-307 Adoption

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

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

Section 4-308 Reserved

Section 4-309 Budget Message

When introduced to the Board of Commissioners for approval, the county budget shall be accompanied by a budget message which shall explain the budget both in fiscal terms and in terms of the work programs. The budget message shall

outline the proposed financial policies of the county for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and the revenues, together with the reasons for such change; summarize the county's debt position; and include such other material as will provide a complete synopsis of the financial condition of the county.

Section 4-310 Amendments

1. The Board of Commissioners may amend the budget during or after the public hearing, except that no proposed amendment shall be effective without such a hearing if it shall:
 - A. Add a new item of appropriation in an amount in excess of one percent (1%) of the total amount of appropriations as stated in the initially approved budget; or
 - B. Increase or decrease any item of appropriation by more than ten percent (10%); or
 - C. Increase the amount needed to be raised by taxes by more than five percent (5%).
2. Notice of hearing on any amendment shall be advertised at least three (3) days before the date set therefor. Any such amendment must be published in full in the same manner as an original publication and must be read in full at the hearing and before adoption. (See *O.C.G.A. § 36-81-3(d)*).

Section 4-311 Audits Required

Annual Audit. The Board of Commissioners shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.

Section 4-312 Conduct of Audits

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

Section 4-313 Contents of Audit Reports

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

Section 4-314 Forwarding Audits to State Auditor

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

Section 4-315 Public Inspection of Audits

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

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

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

Section 4-317 Capital Program

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

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

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

Section 4-318 Transfer of Appropriations

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

Section 4-319 Emergency Appropriations

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

Section 4-320 Lapse of Appropriations

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

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

Section 4-321 Uniform Chart of Accounts

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

ARTICLE IV. FINANCES

Section 4-401 Purchasing

1. **Delegation of Authority.** The Chairman of the Board of Commissioners shall be responsible for the implementation of the procedures and rules in this article. To the extent authority is vested in the Chairman, the Chairman may delegate the administrative duties to the Clerk of the Board of Commissioners or to some other person.
2. **Required Practices.** The purchasing practices and procedures prescribed by this article shall control the purchase of materials, supplies, equipment and contractual services for the county. The purchasing practices and procedures prescribed by this article are designated to ensure the maintenance of high ethical standards for all officers and employees and to procure required supplies and services of a high quality and at the lowest possible cost on a timely basis.
3. **Purchases from Officer or Employee/local Preference.** The Board of Commissioners shall refuse to pay for any material, supplies, equipment, or services purchased by the county from a business which does not disclose prior to the sale that a county officer or employee is an owner or employee of the business. Where material and services are equal, businesses and merchants in the county shall be given preference for purchases.
4. **Unauthorized Purchases.**
 - A. No person shall order the purchase of any supplies or make any contract for materials or supplies or for services to be paid with county funds except as provided by this article.
 - B. No purchases of supplies, equipment or services shall be made in the name of the county or its departments except as required for official use by the county or one of its departments. Any purchase in the name of the county or a department for personal use by an individual or for other than official use are prohibited and no county funds shall be expended or advanced for that purpose.
5. **Emergency Purchases.** Emergency purchases may be approved upon written justification by the requesting department. When necessary, the initial justification may be oral if followed by a timely written justification.
6. **Duties.** The Chairman of the Board of Commissioners shall prescribe and maintain such forms as may be necessary for the administration of county purchasing practices. The Chairman or his designee shall have the following duties:
 - A. To secure prices for materials and supplies required by the county and its departments;
 - B. To procure for the county materials, supplies, equipment, and contractual services from the lowest responsible bidder meeting specifications;
 - C. To sell or dispose of all obsolete or surplus property in accordance with applicable federal, state, and local laws;
 - D. To coordinate cooperative purchasing practices with other cities and counties to the extent possible;
 - E. To inspect materials and supplies purchased by the county and to determine that the materials and supplies have been properly represented; and
 - F. Such other duties as the Board of Commissioners may from time to time require.
7. **Designation of Authority to Contract.**
 - A. When the amount of a contract, goods or services exceeds ten thousand dollars (\$10,000.00), the Board of Commissioners shall approve the purchase and award the purchase to the lowest and best qualified bidder who submits a responsive bid or the Board of Commissioners may delegate to the Chairman, authority to award the purchase.
 - B. The sale of obsolete or surplus property shall be based on competitive bidding practices and on reasonable procedures to obtain the best possible price.
 - C. Purchases or sales for less than the amount stated in subsection A of this section shall be based, wherever possible, on competitive quotations, (two [2] or more bids), obtained by telephone or through other means.
8. **Vendor Disqualification.** The Chairman of the Board of Commissioners or his designee shall have the authority to disqualify a vendor who defaults on a quotation or bid from receiving business from the county for a specified period of time.

9. **Criteria for Purchases.** The Chairman of the Board of Commissioners or his designee shall exercise discretion on a purchase so that the best interests of the county are served. Quality, as well as price and service, shall be considered as well as the financial resources of the bidder to perform the contract or to provide the service. In every case, the county reserves the right to reject any and all bids.
10. **Sale of Property.** When it is necessary to dispose of property owned by the county, the property shall be sold by the Chairman of the Board of Commissioners or his designee. The Chairman shall obtain approval from the Board of Commissioners prior to sale. The Chairman or his designee shall confer with the department which desires to sell the property with the object of obtaining the best possible price from the sale.
11. **Authorization for Payment of Bills and Invoices.** No bill or invoice submitted to the county for payment shall be paid unless and until the Chairman of the Board of Commissioners or his designee shall have examined the bill or invoice and shall determine that:
 - A. Payment of the bill or invoice shall result in the expenditure of county funds for a lawful and proper purpose;
 - B. The amount of the bill or the invoice can be properly charged to an established budget line item for the current fiscal year as adopted by the Board of Commissioners;
 - C. The county has complied with state and local laws in connection with the expenditure of public funds;
 - D. The purchase represented by the bill or invoice has been authorized by the responsible department head;
 - E. The invoice is supported by documents as are reasonably required to show compliance with this article.
12. **Sole Source Purchases.**
 - A. Notwithstanding other provisions in this article, whenever it shall appear that by reason of design, capacity, compatibility with other equipment or other machinery, purpose, function, or other characteristics an item of procurement required by the county or one of its departments can be obtained only from one source, the item may be procured through negotiation from the source from which it is available without the requirement of bids.
 - B. Before any item may be obtained under this section, the department head shall specify in writing the reasons why the item should be procured from the sole source by negotiation. This request shall be attached to the purchase request.

CHAPTER 5: COURTS

Section

5-101 Jail Fund



Section 5-101 Jail Fund

1. **Additional Penalties Authorized.**
 - A. In every case in which any court in this county, including any court of a municipality which has entered into the intergovernmental contract as provided for in Section 5-101-2, shall impose a fine, which shall be construed to include costs, for any offense against a criminal or traffic law of this state or any offense against a county or municipal resolution or ordinance, there shall be imposed as an additional penalty a sum equal to ten percent (10%) of the original fine.
 - B. At the time of posting bail or bond in any case involving a violation of a criminal or traffic law of this state or a violation of a county or municipal resolution or ordinance, an additional sum equal to ten percent (10%) of the original amount of bail or bond shall be posted. In every case in which any court of this county, including any court of a municipality which has entered into the intergovernmental contract as provided for in Section 5-101-2, shall order the forfeiture of bail or bond, the additional sum equal to ten percent (10%) of the original bail or bond shall be collected.
 - C. The additional penalties set forth in subsections A and B of this section shall be in addition to that amount required by *O.C.G.A. § 47-17-60* to be paid into the Peace Officers' Annuity and Benefit Fund, by *O.C.G.A. § 47-11-51* to be paid into the Judges of the Probate Courts Retirement Fund of Georgia, or by any other provision of law.
2. **Intergovernmental Contracts.** If any incorporated municipality in the county shall enter into an intergovernmental contract with the county providing for the use of the county jail by prisoners of such municipality, and effective immediately upon the effective date of such agreement, and without further action by the Board of Commissioners, the additional penalties provided for in this section shall be imposed and collected by such municipality and remitted to the county in accordance with this section.
3. **Jail Fund; Depositing of Money in Funds.**
 - A. The additional penalties prescribed in Section 5-101-1 shall be assessed and collected by the clerk or court officer charged with the duty of collecting monies arising from fines and forfeited bonds and shall be paid over to the county by the tenth day of the month following the month in which such sums were collected.
 - B. Such additional penalties paid over to the county shall be deposited by the county into a special account which shall be known as the Oglethorpe County Jail Fund.
 - C. Any person whose duty it is to collect and remit the additional penalties provided for in this section who fails or refuses to remit such sums as required by this section shall be guilty of a misdemeanor.
4. **Use of Fund.**
 - A. All moneys collected pursuant to this section and placed in the county jail fund shall be expended by the county solely and exclusively for constructing, operating, and staffing the county jails, county correctional institutions and detention facilities, or for such other purposes as specified in *O.C.G.A. § 15-21-95*.
 - B. The county jail fund and moneys collected pursuant to this section to be placed in the county jail fund may be pledged as security for the payment of bonds issued for the construction of jails, correctional institutions, and detention facilities of the county.
 - C. This section shall not preclude the appropriation or expenditure of other funds by the Board of Commissioners or by the General Assembly for the purpose of constructing, operating or staffing jails, correctional institutions and detention facilities.

CHAPTER 6: EMERGENCY MANAGEMENT

Section

ARTICLE I. EMERGENCY MANAGEMENT AGENCY

6-101	Definition
6-102	Creation; Membership
6-103	Local Agency Plan
6-104	Director—Selection
6-105	Same—Powers and Duties
6-106	Agency Powers
6-107	Financial Assistance
6-108	Sec. 14-38. Liability
6-109	Volunteers



ARTICLE I. EMERGENCY MANAGEMENT AGENCY

Section 6-101 Definition

As used in this article, the term "emergency management" means the preparation for the carrying out of all emergency functions, other than functions for which military forces are primarily responsible; to prevent, minimize and repair injury and damage resulting from emergencies, energy emergencies, disasters or the imminent threat thereof, of manmade or natural origin caused by enemy attack, sabotage, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, or other causes. These functions include, without limitation, firefighting services; police services; medical and health services; rescue; engineering; warning services; communications; defense from radiological, chemical and other special weapons; evacuation of persons from stricken areas; emergency welfare services; emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

Section 6-102 Creation; Membership

An emergency management agency is created in and for the county.

Section 6-103 Local Agency Plan

The county Emergency Management Agency has developed, in partnership with local government and community agencies/organizations which have primary responsibility for emergency support functions, an approved emergency management plan. A copy of this plan and/or major revisions was submitted to the state emergency management agency by the local emergency management agency director, in coordination with the local government officials or legally appointed successors. It is understood that the state emergency management agency will review this plan for compliance with all federal and state requirements.

Section 6-104 Director—Selection

The Chairman of the Board of Commissioners with concurrence of the mayors of cities within the county, shall nominate for appointment by the Governor, a Director of Emergency Management for the entire county.

Section 6-105 Same—Powers and Duties

Upon appointment, the local Emergency Management Agency Director shall have direct responsibility for the organization, administration, and operations of the local organization for emergency management, subject to the direction and control of the executive officer or governing body and shall serve at the pleasure of such executive officer or governing body. The local Director of Emergency Management shall:

1. Maintain an emergency management office in a building owned or leased by the political subdivision and the Director or designee shall be available or on call at all times beyond working hours;
2. Develop, in conjunction with public and private agencies/organizations that have responsibility for designated emergency support functions, plans for responding to and recovering from disasters and/or emergencies;
3. Respond to emergency scenes, command posts, and operation centers;
4. Coordinate emergency response of public and private agencies and organizations;
5. Attend training and meetings convened by the appointing authority or the state Emergency Management director;
6. Develop or cause to be developed, in collaboration with other public and private agencies within the state, mutual aid arrangements, consistent with state plans and programs, for reciprocal emergency management aid and assistance in case of emergency or disaster too great to be dealt with unassisted;
7. Enter into mutual aid agreements, subject to approval of the Governor, with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of emergency or disaster too great to be dealt with unassisted.

Section 6-106 Agency Powers

Each political subdivision shall have the emergency management power and authority to:

1. Appropriate and expend funds, execute contracts, obtain and distribute equipment, materials, and supplies;
2. Provide for the health and safety of persons and property, including emergency assistance to victims;
3. Direct and coordinate development of local emergency management plans and programs in accordance with federal and state policies and plans;
4. Appoint, employ, remove or provide, with or without compensation, chiefs of services, warning personnel, rescue teams, auxiliary fire and police personnel, and other emergency management workers;
5. Establish a primary and one or more secondary control centers to serve as command posts; and
6. Acquire, temporarily or permanently, by purchase, lease or otherwise sites required for installation of temporary housing units and prepare or equip such sites.

Section 6-107 Financial Assistance

The county shall be entitled to receive federal disaster funds if the local emergency management organization has met all state and federal requirements to receive such funds. Qualifications include:

1. Legal establishment of an emergency management organization by local ordinance or resolution;
2. A legally appointed local Director who has been endorsed and approved by the state emergency management director and appointed by the Governor;
3. An approved emergency and disaster plan with all applicable annexes, and an approved fiscal year program and other necessary compliance documents.

Section 6-108 Sec. 14-38. Liability

Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. Immunity does not apply in cases of willful misconduct, gross negligence or bad faith.

Section 6-109

Volunteers

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

CHAPTER 7: EMERGENCY SERVICES

Section

ARTICLE I. ALARM AND SECURITY SYSTEMS

- 7-101 False Alarms Restricted
- 7-102 Issuance of Citations
- 7-103 Maintenance of Log
- 7-104 Defense to False Alarms

ARTICLE II. NONTRANSPORT AMBULANCE FEE

- 7-201 Nontransport Ambulance Fee

ARTICLE III. EMERGENCY MANAGEMENT AGENCY

- 7-301 Definitions
- 7-302 Creation; Membership
- 7-303 Local Agency Plan
- 7-304 Director--Selection
- 7-305 Powers and Duties
- 7-306 Agency Powers
- 7-307 Financial Assistance
- 7-308 Liability
- 7-309 Volunteers



ARTICLE I. ALARM AND SECURITY SYSTEMS

Section 7-101 False Alarms Restricted

It shall be unlawful for the owner of an alarm or security system to have over four (4) false alarms during a consecutive twelve (12)-month period for each circuit connected to the alarm or security equipment or transmitted from a central or relay office via telephone to the county Sheriff's Department. It shall be the duty of the owner of the alarm or security system to comply with this section.

Section 7-102 Issuance of Citations

Citations will be issued by the county Sheriff's Department for the owner of an alarm or security system for the fifth or subsequent false alarm during a consecutive twelve (12)-month period.

Section 7-103 Maintenance of Log

A log will be kept at the Sheriff's Office which will list the date of the alarm call, the owner's name and address and the officer responding to the call and shall be prima facie evidence of violation of this article.

Section 7-104 Defense to False Alarms

If the owner of an alarm system can prove that the activation of the alarm was due to an act of God, example: electrical storm, tornado, flood, etc., the Magistrate Court will not impose sanctions for the violation.

ARTICLE II. NONTRANSPORT AMBULANCE FEE

Section 7-201 Nontransport Ambulance Fee

There is imposed a fee as set forth in the schedule of fees and charges on file in the office of the County Clerk a nontransport fee for any ambulance call where the patient or patient's family called for an ambulance, and for whatever reason, the patient was not transported. No fee will be assessed when called to wrecks with no injuries, or to assist the Sheriff's Department or Fire Department.

ARTICLE III. EMERGENCY MANAGEMENT AGENCY

Section 7-301 Definition

As used in this article, the term "emergency management" means the preparation for the carrying out of all emergency functions, other than functions for which military forces are primarily responsible; to prevent, minimize and repair injury and damage resulting from emergencies, energy emergencies, disasters or the imminent threat thereof, of manmade or natural origin caused by enemy attack, sabotage, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, or other causes. These functions include, without limitation, firefighting services; police services; medical and health services; rescue; engineering; warning services; communications; defense from radiological; chemical and other special weapons; evacuation of persons from stricken areas; emergency welfare services; emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

Section 7-302 Creation; Membership

An Emergency Management Agency is created in and for the county.

Section 7-303 Local Agency Plan

The county Emergency Management Agency has developed, in partnership with local government and community agencies/organizations which have primary responsibility for emergency support functions, an approved emergency management plan.

Section 7-304 Director--Selection

The Chairman of the Board of Commissioners with concurrence of the mayors of cities within the county, shall nominate for appointment by the Governor, a Director of Emergency Management for the entire county.

Section 7-305 Powers and Duties

Upon appointment, the local Emergency Management Agency Director shall have direct responsibility for the organization, administration, and operations of the local organization for emergency management, subject to the direction and control of the executive officer or governing body and shall serve at the pleasure of such executive officer or governing body. The local Director of Emergency Management shall:

1. Maintain an emergency management office in a building owned or leased by the political subdivision and the Director or designee shall be available or on call at all times beyond working hours;
2. Develop, in conjunction with public and private agencies/organizations that have responsibility for designated emergency support functions, plans for responding to and recovering from disasters and/or emergencies;
3. Respond to emergency scenes, command posts, and operation centers;
4. Coordinate emergency response of public and private agencies and organizations;
5. Attend training and meetings convened by the appointing authority or the state Emergency Management Director;

6. Develop or cause to be developed, in collaboration with other public and private agencies within the state, mutual aid arrangements, consistent with state plans and programs, for reciprocal emergency management aid and assistance in case of emergency or disaster too great to be dealt with unassisted;
7. Enter into mutual aid agreements, subject to approval of the Governor, with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of emergency or disaster too great to be dealt with unassisted.

Section 7-306 Agency Powers

Each political subdivision shall have the emergency management power and authority to:

1. Appropriate and expend funds, execute contracts, obtain and distribute equipment, materials, and supplies;
2. Provide for the health and safety of persons and property, including emergency assistance to victims;
3. Direct and coordinate development of local emergency management plans and programs in accordance with federal and state policies and plans;
4. Appoint, employ, remove or provide, with or without compensation, chiefs of services, warning personnel, rescue teams, auxiliary fire and police personnel, and other emergency management workers;
5. Establish a primary and one or more secondary control centers to serve as command posts; and
6. Acquire, temporarily or permanently, by purchase, lease or otherwise sites required for installation of temporary housing units and prepare or equip such sites.

Section 7-307 Financial Assistance

The county shall be entitled to receive federal disaster funds if the local emergency management organization has met all state and federal requirements to receive such funds. Qualifications include:

1. Legal establishment of an emergency management organization by local ordinance or resolution;
2. A legally appointed local director who has been endorsed and approved by the state Emergency Management Director and appointed by the Governor;
3. An approved emergency and disaster plan with all applicable annexes, and an approved fiscal year program and other necessary compliance documents.

Section 7-308 Liability

Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency management worker or member of any agency engaged in emergency management activity. Immunity does not apply in cases of willful misconduct, gross negligence or bad faith.

Section 7-309 Volunteers

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

CHAPTER 8: RESERVED

CHAPTER 9: RESERVED

PART II: PUBLIC HEALTH AND SAFETY

CHAPTER 10: FIRE PREVENTION AND PROTECTION

Section

10-101 State Minimum Fire Safety Standards



Section 10-101 State Minimum Fire Safety Standards

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

CHAPTER 11: TRAFFIC CONTROL

Section

11-101	Uniform Rules of the Road
11-102	Temporary Traffic Regulations
11-103	Traffic, Speed, Etc., Zones; Signs and Traffic Control Devices
11-104	Speed Detection Devices
11-105	Covering of Loads
11-106	Parking in Deceleration or Acceleration Lanes Prohibited
11-107	Speed Zones
11-108	Truck Traffic Ordinance



Section 11-101 Uniform Rules of the Road

- 1. Adoption By Reference.** Pursuant to Chapter 6, Title 40 of *O.C.G.A.* § 40-6-372 through 40-6-376, §§ 40-6-1 to 40-6-395 (except for §§ 40-6-393 and 40-6-394), and Chapter 2, Title 40 of *O.C.G.A.* § 40-2-20 and Chapter 5, Title 40 of *O.C.G.A.* § 40-5-20, known as the Uniform Rules of the Road and the definitions contained in *O.C.G.A.* § 40-1-1 are hereby adopted as and for the traffic regulations of this municipality with like effect as if recited herein.
- 2. Penalties.** Unless another penalty is expressly provided by law, any person convicted of a violation of any provision of this code section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or by both such fine and imprisonment.
Note: Maximum allowable fine is one thousand dollars (\$1,000.00) or sixty (60) days or both.

Section 11-102 Temporary Traffic Regulations

In cases where traffic upon the roads of the county may become congested upon occasions of parades, at theaters and other public assemblages where large numbers of vehicles are assembled, the county law enforcement officers may make temporary rules directing and regulating the traffic in these congested districts, and any person who, after being warned of the temporary traffic regulations, shall violate them, shall be liable therefor as for other violations of this code.

Section 11-103 Traffic, Speed, Etc., Zones; Signs and Traffic Control Devices

- Upon approval by resolution of the Board of Commissioners, the Public Works Director is authorized to designate and maintain by appropriate traffic control signs, markings and devices.
 - A. Crosswalks at intersections where there is particular danger to pedestrians crossing the roadway;
 - B. Other safety zones for pedestrians;
 - C. Traffic lanes;
 - D. Speed, parking, truck or other traffic control zones;
 - E. Stop, yield, one-way and other directional devices;
 - F. Any other sign, marking, device or zone necessary for orderly and safe conditions on the roads and streets of the county;
- All traffic control signs, signals, devices and markings shall conform to specifications in the Manual on Uniform Traffic Control Devices adopted by the state Transportation Board. All signs and signals required under this chapter for a particular purpose shall so far as practicable be uniform as to type and location throughout the county. All traffic control devices so erected and not inconsistent with the provisions of state law or this code shall be official traffic control devices of the county.
- The County Clerk shall keep and maintain an accurate official map setting out all traffic zones, markings, signs and other traffic control devices. The map and any amendments or changes thereto shall be adopted by resolution

of the Board of Commissioners and the map shall be known as the official traffic control map of the county. An official copy thereof shall be kept in the office of the County Clerk; shall be available to the public; and copies certified by the County Clerk shall be admissible in court as proof of the location of any traffic zone, marking, sign or other traffic control device.

4. No person shall be charged with violating a traffic zone, marking, sign or other traffic control device unless appropriate signs, markings or devices are in fact operating or in existence on the streets involved.
5. Any violation of any traffic zone, marking, sign or other traffic control device established under this chapter shall be a violation of this code.

Section 11-104 Speed Detection Devices

1. The county is authorized to use speed detection devices for the purpose of traffic control on the roads and streets in the county.
2. Such speed detection devices shall be used only for the purpose of public safety and traffic control, and shall not be used for the purpose of raising revenue.

Section 11-105 Covering of Loads

No person shall operate or load any vehicle on the public streets and roads of this county unless the vehicle is constructed, loaded and securely covered so as to prevent any of its load from dropping, escaping or shifting in such a manner as to create a safety hazard or in such a manner so as to litter the streets and roads of the county.

Section 11-106 Parking in Deceleration or Acceleration Lanes Prohibited

1. It shall be unlawful for any person to park any automobile, truck, bus, truck tractor, trailer, tractor, trailer combination, motorcycle, moped, or other motor vehicle within or upon the deceleration or acceleration lanes lying in the unincorporated areas of the county.
2. Deceleration and acceleration lanes shall be defined for the purpose of this section as those strips of pavement lying adjacent to and to the east of the northbound lanes of traffic and adjacent to and to the west of the southbound lanes of traffic which are not part of the regular roadway but afford access into and out of the driveways and side roads along the highway.
3. Violation of the provisions of this section shall be a violation of a county ordinance and shall be prosecuted in the state court of the county under the authority of *O.C.G.A. § 15-10-60 et seq.* A violation of this section shall be punished as provided in Section 1-109.

Section 11-107 Speed Zones

The following speed zones are hereby established based on an engineering and traffic investigation as prescribed by law:

ON-SYSTEM

State Route 10 from the Clarke County line (M.L. 0.00) to the Crawford city limit (M.L. 4.77), a distance of 4.77 mi. to be zoned 55 mph.

State Route 10 from the Crawford city limit (M.L. 4.77) 0.01 mi. west of City Street #514-W.H. Crawford Memorial Drive to a point 0.20 mi. west of County Road #316-South Broad Street (M.L. 5.13), a distance of 0.36 mi, to be zoned 45 mph.

State Route 10 from a point 0.20 mi. west of County Road #316-South Broad Street (M.L. 5.13) to County Road #23-01d Lexington Road (M.L. 5.84), a distance of 0.71 mi. to be zoned 35 mph.

State Route 10 from County Road #23-01d Lexington Road (M.L. 5.84) to the Crawford city limit (M.L. 6.49) 0.08 mi. east of County Road #22-Otis Graham Road, a distance of 0.65 mi. to be zoned 45 mph.

State Route 10 from the Crawford city limit (M.L. 6.49) to a point 0.13 mi. east of County Road #20-Buddy Faust Road (M.L. 7.20), a distance of 0.71 mi. to be zoned 50 mph.

State Route 10 from a point 0.13 mi. east of County Road #20-Buddy Faust Road (M.L. 7.20) to the Lexington city limit (M.L. 8.23), a distance of 1.03 mi. to be zoned 45 mph.

State Route 10 "SCHOOL ZONE" from a point 0.25 mi. east of County Road #20-Buddy Faust Road (M.L. 7.32) to a point 0.03 mi. east of County Road #273-New Fairground Road (M.L. 7.67), a distance of 0.35 mi. to be zoned 35 mph from 7:30 A.M. to 8:30 A.M., and from 2:30 P.M. and 3:30 P.M. on school days only.

State Route 10 from the Lexington city limit (M.L. 8.23) 0.01 mi. east of State Route 22 to County Road #163-Black Bottom Road (M.L. 8.64), a distance of 0.41 mi. to be zoned 35 mph.

State Route 10 from County Road #163-Black Bottom Road (M.L. 8.64) to City Street #604-Meson Street (8.92), a distance of 0.28 mi. to be zoned 30 mph.

State Route 10 from City Street #604-Meson Street (M.L. 8.92) to State Route 77 (M.L. 9.12) a distance of 0.20 mi. to be zoned 35 mph.

State Route 10 from State Route 77 (M.L. 9.12) to the Lexington city limit (M.L. 9.32) 0.02 mi. east of City Street #606-Mallorsville Road, a distance of 0.20 mi. to be zoned 45 mph.

State Route 10 from the Lexington city limit (M.L. 9.32) to the Wilkes County line (M.L. 18.69), a distance of 9.37 mi. to be zoned 55 mph.

State Route 22 from the Taliaferro County line (M.L. 0.00) to State Route 10 (M.L. 13.11), a distance of 13.11 mi. to be zoned 55 mph.

State Route 22 runs common with State Route 10 from (M.L. 13.11) to (M.L. 15.19), a distance of 2.08 mi.

State Route 22 from State Route 10 (M.L. 15.19) to a point 0.16 mi east of City Street #608-Clarke Cemetery Drive (M.L. 15.39), a distance of 0.20 mi. to be zoned 45 mph.

State Route 22 from a point 0.16 mi. east of City Street #608-Clarke Cemetery Drive (M.L. 15.39) to the Madison County line (M.L. 28.10), a distance of 12.71 mi. to be zoned 55 mph.

State Route 22 "SCHOOL ZONE" from a point 0.10 mi. east of County Road #164-Bonanza Road (M.L. 16.57) to a point 0.20 mi. west of County Road #20-Buddy Faust Road (M.L. 16.82), a distance of 0.25 mi. to be zoned 35 mph from 7:30 A.M. to 8:30 A.M. and from 2:30 P.M. to 3:30 P.M. on school days only.

State Route 77 from # the Greene County line (0.00) to the Maxeys city limit (M.L. 4.61), a distance of 4.61 mi. to be zoned 55 mph.

State Route 77 from the Maxeys city limit (M.L. 4.61) 0.20 mi. north of County Road #109-Lovers Lane Road to a point 0.06 mi. south of County Road #105-Pine Street (M.L. 5.27), a distance of 0.66 mi. to be zoned 45 mph.

State Route 77 from a point 0.06 mi. south of County Road #105-Pine Street (M.L. 5.27) to a point 0.02 mi. north of County Road #97-Sunset Drive (M.L. 5.77), a distance of 0.50 mi. to be zoned 35 mph.

State Route 77 from a point 0.02 mi. north of County Road #97-Sunset Drive (M.L. 5.77) to the Maxeys city limit (M.L. 6.42) 0.01 mi. north of City Street #800-School House Road, a distance of 0.65 mi. to be zoned 45 mph.

State Route 77 from the Maxeys city limit (M.L. 6.42) to the Lexington city limit (M.L. 15.98), a distance of 9.56 mi. to be zoned 55 mph.

State Route 77 from the Lexington city limit (M.L. 15.98) 0.05 mi. south of City Street #601-Boggs Street to State Route 10 (M.L. 16.19), a distance of 0.21 mi. to be zoned 45 mph.

State Route 77 runs common with State Route 10 from (M.L. 16.19) to (M.L. 16.78), a distance of 0.59 mi.

State Route 77 from State Route 10 (M.L. 16.78) to a point 0.02 mi. south of City Street #607-Academy Street (M.L. 16.98), a distance of 0.20 mi. to be zoned 35 mph.

State Route 77 from a point 0.02 mi. south of City Street #607- Academy St. (M.L. 16.98) to the Lexington city limit (M.L. 17.20) 0.20 mi. north of City Street #607-Academy Street, a distance of 0.22 mi. to be zoned 45 mph.

State Route 77 from the Lexington city limit (M. L. 17.20) to the Elbert County line (M.L. 33.52), a distance of 16.32 mi. to be zoned 55 mph.

Signs to be erected by the Georgia Department of Transportation.

OFF-SYSTEM

County Road #3 from the northeast Smithsonia city limit to State Route 22, a distance of 2.17 mi. to be zoned 55 mph.

County Road #17 from County Road #310 to State Route 22, a distance of 3.44 mi. to be zoned 55mph.

County Road #26 from State Route 10 to the North Crawford city limit, a distance of 1.96 mi. to be zoned 55 mph.

County Road #50 from the Clarke County tine to County Road #309, a distance of 2.98 mi. to be zoned 55 mph.

County Road #62 from County Road #308 to County Road #307, a distance of 1.34 mi. to be zoned 55 mph.

County Road #77 from County Road #306 to State Route 10, a distance of 5.47 mi. to be zoned 55 mph.

County Road #137 from State Route 22 to County Road #294, a distance of 3.00 mi. to be zoned 55mph.

County Road #152 from State Route 10 to County Road #311, a distance of 4.44 mi. to be zoned 55 mph.

County Road #159 from State Route 77 to County Road #311, a distance of 5.45 mi; to be zoned 55 mph.

County Road #207 from County Road #311 to State Route 77, a distance of 6.18 mi. to be zoned 55 mph.

County Road #232, from State Route 22 to County Road #315, a distance of 2.97 mi. to be zoned 55 mph.

County Road #305 from State Route 77 to State Route 22, a distance of 5.59 mi. to be zoned 55 mph.

County Road #307 from State Route 10 to the South Arnoldsville city limit, a distance of 1.96 mi. to be zoned 55 mph.

County Road #307 from the North Arnoldsville city limit to the Clarke County line, a distance of 2.94 mi. to be zoned 55 mph.

County Road #309 from County Road #307 to the West Smithsonia city limit, a distance of 5.57 mi. to be zoned 55 mph.

County Road #310 from County Road #29 to the South Smilhonia city limit, a distance of 7.63 mi. to be zoned 55 mph.

County Road #311 from the Wilkes County line to State Route 22, a distance of 14.51 mi. to be zoned 55 mph.

County Road #312 from County Road #310 to County Road #309, a distance of 5.98 mi. to be zoned 55 mph.

County Road #313 from State Route 22 to the Wilkes County line, a distance of 2.56 mi. to be zoned 55 mph.

County Road #315 from State Route 22 to the Madison County line, a distance of 11.64 mi. to be zoned 55 mph.

Signs to be erected by Oglethorpe County.

CITY OF ARNOLDSVILLE

County Road #36 from County Road #307 to County Road #37, a distance of 0.44 mi. to be zoned 35 mph.

County Road #36 from the County Road #37 to the Arnoldsville city limit, a distance of 0.46 mi. to be zoned 45 mph.

County Road #306 from the Arnoldsville city limit to County Road #307, a distance of 0.60 mi. to be zoned 45 mph.

County Road #307 from the South Arnoldsville city limit to the North Arnoldsville city limit a distance of 1.16 mi. to be zoned 45 mph.

Signs to be erected by the City of Arnoldsville.

**OGLETHORPE COUNTY SHERIFFS OFFICE
COUNTY ROADS APPROVED FOR RADAR**

County Road #	County Road Name
#3	Collier Church Road
#17	Devil's Pond Road
#26	Smokey Road
#50	Smithonia Road
#62	Beaverdam Road
#77	Wolfskin Road
#137	Watson Mill Road
#152	Stephens Grove Church Road
#159	Wesley Chapel Road
#207	Veribest Road
#232	Harris Road
#305	Stephens- Salem Road
#307	Arnoldsville-Winterville Road
#310	Crawford-Smithsonia Road
#311	Centerville Road and Sandy Cross Road
#312	Hargrove Lake Road
#315	Lexington-Carlton Road

Section 11-108 Truck Traffic Ordinance

1. **Title.** This ordinance shall be known and may be cited, as the Truck Traffic Ordinance.
2. **Definitions.**
 - A. **"Truck"** means any vehicle with more than 6 wheels, except vehicles or operators of local origin, recreational vehicles, buses used in transportation of chartered parties, and government owned vehicles.
 - B. **"Residential Subdivision"** An area with streets designed primarily for residential and accessory traffic that are primarily interior subdivision streets and specifically including all residential areas platted and regulated by the Oglethorpe County Subdivision Regulations.
3. **Prohibition on Through Trucks.**
 - A. It shall be unlawful for any truck to travel certain County roads hereinafter listed unless the vehicle trip originates or ends on such road or is made for me purpose of making a delivery to a site on such road. All such roads shall be posted with signs at each end of said road that state, "No Thru Trucks". At the Board of Commissioners' discretion such signs may also be posted at the intersection of any such road with other roads.
 - B. This Ordinance shall apply to roads specifically authorized herein by the Board of Commissioners and as later added to and deleted from by Resolution of the Board. This Resolution shall apply immediately to those County Roads listed on Exhibit A attached hereto and incorporated herein by reference.
4. **Prohibition on Travel in Residential Subdivisions.** No truck shall enter, travel or park on a street in a residential subdivision in Oglethorpe County, except for the purpose of delivering goods to houses or points within such residential subdivision for short periods of time during daylight hours. Operators or owner/operators residing in subdivisions prior to the enactment of this ordinance are exempt from this section of the ordinance until such time that they voluntarily cease operations.
5. **Overnight Stay.** No truck or tractor trailer shall enter, travel or park on a street in a residential subdivision or park on a right-of-way in Oglethorpe County for the purpose of an overnight stay by the driver or operator.
6. **Violations.** Any person violating this Ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or sixty (60) days imprisonment. Each day that the offense continues shall constitute a separate violation. (Adopted 8/10/2009)

Exhibit A

Arnoldsville Road	CR307
Beaverdam Court	CR66
Beaverdam Road	CR309
Buddy Faust Road	CR20
Collier Church Road	CR3
Crawford Smithonia Road	CR310
Dunlap Road	CR65
GW Bray Road	CR69
Hargrove Lake Road	CR312
Lexington Carlton Road	CR315
Old Edwards Road	CR74
Owensby Mill Road	CR39
Salem Church Road	CR150
Sandy Cross Road	CR311
Smithonia Road	CR50
Stephens Salem Road	CR305
Walter Sams Road West	CR68
Beaverdam Road	CR62
Wolfskin Road	CR77
Yancey Road	CR36

CHAPTER 12: SOLID WASTE MANAGEMENT

Section

ARTICLE I. LITTER CONTROL

12-101 Past Due Landfill Tipping Fees

ARTICLE II. SOLID WASTE MANAGEMENT

12-201 Definitions
12-202 Violations and Penalties
12-203 Enforcement
12-204 Civil Remedies and Abatement of Nuisance
12-205 Evidence of Violations
12-206 Responsibility of Owner and Occupant
12-207 Waste Control—General Prohibitions
12-208 Same—Litter Control
12-209 Same—Tires
12-210 Transporting Litter and Waste
12-211 Regulation of Garbage or Litter Containers or Receptacles
12-212 Accumulation
12-213 Yard Trimmings
12-214 Recycling



ARTICLE I. LITTER CONTROL

Section 12-101 Past Due Landfill Tipping Fees

To facilitate the payment of past due landfill tipping fees, the Board of Commissioners shall assess one and one-half percent (1 ½%) interest per month if the payment of landfill tipping fees is thirty (30) days or more past due.

ARTICLE II. SOLID WASTE MANAGEMENT

Section 12-201 Definitions

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

1. **Dump.** To throw, discard, place, deposit, discharge, burn or dispose of a substance.
2. **Litter.** All discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description which are not waste as such term is defined in this section.
3. **Public or Private Property.** The right-of-way of any road or highway; any body of water or watercourse; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests.
4. **Scrap Tire Carrier.** Any person engaged in picking up or transporting scrap tires not otherwise exempted under *O.C.G.A. § 391-34-19(5.G)* for the purpose of removal to scrap tire processor, end user, or disposal facility.
5. **Scrap Tire Generator.** Any person who generates scrap tires as defined in *O.C.G.A. § 391-34-19(2.1)* regarding the rules of solid waste management.

6. **Scrap Tires.** All tires which are no longer suitable for their original intended purpose because of wear, damage or defect.
7. **Tire Retailer.** Any person engaged in the business of selling new replacement tires.
8. **Waste.** All discarded substances and materials whatsoever exceeding ten pounds (10 lbs.) in weight or thirteen cubic feet (13 cu. ft.) in volume, or any such substance in any weight or volume if biomedical waste, hazardous waste (as that term is defined in O.C.G.A. § 12-8-62), or any such substance or material dumped for commercial purposes. With the exception of animal byproducts, the term "waste" includes without limitation, bottles, boxes, containers, papers, tobacco products, tires, appliances, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge from a wastewater treatment facility, water supply treatment plant or air pollution control facility, air contaminants from any source or facility, and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations, including household, commercial, construction and demolition waste, or industrial solid waste which is nonhazardous, nonmedical, and in a form classified as solid waste by the State Department of Natural Resources.

Section 12-202 Violations and Penalties

1. Any person violating any portion of this article shall be guilty of a misdemeanor and, upon conviction thereof, in the county magistrate court, shall be punished as provided in Section 1-109 of this code by fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or up to sixty (60) days imprisonment, or both, each day the violation continues shall be a separate offense. However, this section shall not preclude the county from choosing to seek civil redress in a court of competent jurisdiction in addition to the criminal prosecution, it being the intent of the county to have both the civil and criminal rights of prosecution in this area.
2. In the sound discretion of the magistrate court, the violator may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one (1) mile, any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution or sentence.
3. In the sound discretion of the magistrate court the person may be directed to pick up and remove litter from any public park, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited litter thereon, and all litter deposited thereon by anyone prior to the date of execution of sentence.
4. The court may order the publication of the names of persons convicted of violating this article.
5. In the case of an improper garbage or waste disposal site, the property owner, contractor, developer, builder or other person responsible for the property shall cause the property to be cleaned and to come into full compliance with this article. The county shall not be responsible for any costs of cleanup or remediation.

Section 12-203 Enforcement

Enforcement of this article shall be the responsibility of the county Code Enforcement Officer or his designee or the county Sheriff or his designee. Any person authorized to enforce this article shall be empowered to enter any property, upon reasonable cause, at reasonable times in order to inspect the property for violations of this article, subject to the condition that to allow entry on private property for inspection, the alleged violation of this article must be visible from a public road or right-of-way, or upon such officer having received a complaint by a resident of the county alleging a violation of this article. The county magistrate court shall also be authorized to issue summons for hearing on alleged violation of this article upon written accusation of any person sui juris alleging such violation.

Section 12-204 Civil Remedies and Abatement of Nuisance

If any person violates any provision of this article, the County Attorney or other appropriate authority of the county may, in addition to other remedies, institute an action for injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful act or to correct or abate such violation.

Section 12-205 Evidence of Violations

1. Whenever litter is thrown, deposited, dropped, or dumped, from any motor vehicle, boat, airplane, or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.
2. Whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of this article is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

Section 12-206 Responsibility of Owner and Occupant

The owner or occupant of any premises shall be responsible for the sanitary handling and disposition of garbage, litter, waste, scrap tires, and refuse on the premises used or occupied by such person.

Section 12-207 Waste Control—General Prohibitions

It shall be unlawful for any person to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter, waste or scrap tires at any place in this county including, without limitation, any public or private property in this county or any waters in this county unless such litter or waste originates in this county, and:

1. The property is designated and permitted by the state and/or by the Board of Commissioners or its duly designated agent for disposal of litter and waste, and the person is authorized to use such property;
2. The litter or waste is placed into a receptacle or container installed on such property; however, any litter or waste placed into such a receptacle or container installed on such property must not be allowed to accumulate for an unreasonable period of time, and in no event shall it be allowed to accumulate to the point of overflowing the container or receptacle or to a point where the container or receptacle may not be closed; and
3. Any and all litter placed in a county owned solid waste receptacle must be contained in a county authorized green bag.

Section 12-208 Same—Litter Control

It shall be unlawful for any person to dump or place litter or waste unless authorized to do so by law or by a duly issued permit:

1. In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or on any other public lands except in containers of areas lawfully provided for such dumping;
2. In or on any fresh water lake, river, canal, or stream or creek; or
3. In or on any public or private property unless such dumping will not adversely affect the public health and is not in violation of any other local, state or federal law, rule, or regulation.

Section 12-209 Same—Tires

All scrap tire generators, scrap tire carriers or tire retailers shall be subject to rules as defined in *O.C.G.A.* § 391-34-19 and handle scrap tires in accordance with the provisions of *O.C.G.A.* § 12-8-20 et seq., and the rules for solid waste management, *O.C.G.A.* chapter 391-34 applicable to solid waste.

Section 12-210 Transporting Litter and Waste

1. It shall be unlawful for any person to drive or operate a vehicle in the county hauling wet or moist litter or waste which leaks, flows freely or spills from such vehicle.
2. Any litter or waste hauled on a moving vehicle in the county shall be covered or secured in such a manner that the litter or waste will not blow or escape from such vehicle while moving or parked on public streets or roadways in the county.
3. It shall be unlawful for any vehicle to transport litter or waste on any public street or roadway in the county without suitable coverings or other restraint devices securely fastening such litter or waste to the vehicle so as

to prevent any materials from being deposited on the roads or adjoining areas of the county. However, this section shall not prohibit the necessary spreading of any substance in public road maintenance or public road construction operations.

Section 12-211 Regulation of Garbage or Litter Containers or Receptacles

1. **Maintenance.** All garbage or litter containers or receptacles shall be maintained in as sanitary a manner as is reasonably possible consistent with its use for garbage and litter disposal.
2. **Use Required.** Persons using garbage or litter containers or receptacles shall deposit all authorized garbage and refuse in the containers or receptacles.
3. **Burning, Smoldering Materials.** No person shall deposit any burning or smoldering material in any such container or receptacle.
4. **Fire Prohibited.** No person shall set fire to the contents of any such container or receptacle.
5. **Dead Animals.** No dead animals shall be deposited in any such container or receptacle.
6. **Large, Bulky Items.** No person shall deposit large noncompactible articles in such containers or receptacles such as stoves, refrigerators, bed springs, mattresses, tires, large tree limbs, air conditioning units or similar items.
7. **Flammable, Explosive Materials.** No one shall deposit any flammable or explosive materials in any such containers or receptacles.
8. **Littering Around Containers.** No person shall place or scatter litter or waste in or around such containers or receptacles.
9. **Scavenging Prohibited.** No one shall scavenge or collect items from in or around such containers or receptacles.

Section 12-212 Accumulation

1. No owner or occupant of any premises in the unincorporated areas of the county shall allow litter or waste to accumulate thereon. No owner or occupant of any such property shall bury or burn litter or waste without prior authorization and permission from the applicable regulatory agency, including but not limited to, the Environmental Protection Agency, Environmental Protection Division and/or the state Forestry Service. Nothing in this subsection shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state or federal law.
2. No owner or occupant of any property shall allow the accumulation, on his premises, of garbage or waste where such material creates or causes a health hazard to neighbors or other citizens, or which is unsightly or emits foul or obnoxious odors.
3. It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers used for the storage or dumping of litter or waste.
4. The conduct described in subsections 1 through 3 of this section shall constitute a separate violation of this article for each day the garbage or waste material remains on such premises.

Section 12-213 Yard Trimmings

Yard trimmings shall not be placed in or mixed with solid waste. Yard trimmings shall not be disposed at any solid waste disposal facility having liners and leachate collection systems or requiring vertical expansion within the county. Yard trimmings shall be sorted and stockpiled or chipped, composted, used as mulch or otherwise beneficially reused or recycled to the maximum extent feasible. Any yard trimmings to be collected by any entity other than the property owner shall be sorted and stored in such a manner as to facilitate collection, composting or other handling.

Section 12-214 Recycling

The Board of Commissioners finds that it is in the best interest of the citizens of the county, in order to promote the health, safety, welfare and morals of the citizens of the county, to recycle as many waste materials as possible in order to reduce the accumulation of liter and garbage and solid waste material within the county and to reduce the overall solid waste materials which must be properly disposed of. Therefore, it is the policy of the Board of Commissioners to encourage recycling whenever practicable.

CHAPTER 13: HEALTH AND SANITATION

Section

ARTICLE I. IN GENERAL

13-101 Entering onto Private Property in Emergency Situations

ARTICLE II. STATE RULES AND REGULATIONS

13-201 Definitions

13-202 Adopted

13-203 Issuance of Citation

13-204 Penalty for Violation



ARTICLE I. IN GENERAL

Section 13-101 Entering onto Private Property in Emergency Situations

Officers and employees of the county shall have the authority to enter upon private property to bury dead animals, to close open wells, and in other emergency situations where adequate safety measures have not been taken by other persons in situations where it is necessary to protect public health, safety, and welfare.

ARTICLE II. STATE RULES AND REGULATIONS

Section 13-201 Definitions

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

Health Officer. The county Director of Health or his authorized representative.

Section 13-202 Adopted

1. The following rules and regulations of the state Department of Human Resources are adopted.
 - A. Chapter 290-5-26, Manual for On-Site Sewage Management Systems, revised January 2006.
 - B. Chapter 290-5-14, Rules and Regulations for Food Service, revised February 13, 2007.
 - C. Chapter 290-5-18, Rules and Regulations for Tourist Accommodations, effective March, 25, 1996.
2. Copies of such rules and regulations adopted by this section shall be maintained on file in the office of the County Clerk.

Section 13-203 Issuance of Citation

1. Upon information of a violation of any of the rules and regulations adopted in this article being made known to the County Health Officer or to his designee, there shall cause a citation to be issued requiring such violator to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for such violation.
2. Citations issued under this section shall be pursuant to *O.C.G.A. § 16-10-63* and shall be personally served upon the person accused of such violation. Each citation shall state the time and place at which the accused is to appear for trial.

Section 13-204

Penalty for Violation

1. Any person violating the provisions of this article may be punished as provided in Section 1-109. Separate offenses shall be deemed to be committed on each day during or on which a violation occurs or continues.
2. In addition to all other provisions of this article, any violation of this article is deemed to be a continuing nuisance and may be abated by an application for injunction in the superior court or other court of competent jurisdiction.

CHAPTER 14: NOISE REGULATION

Section

ARTICLE I. NOISE CONTROL

14-101	Definitions
14-102	General Prohibition
14-103	Investigation upon Complaint
14-104	Issuance of Citation
14-105	Impoundment of Instrument, Device, Etc.



ARTICLE I. NOISE CONTROL

Section 14-101 Definitions

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

1. **Excessively Loud and Disturbing.** Occurs when a person of normal hearing who is inside a residence or other building that is not the location of the noise source can:
 - A. Clearly hear the noise;
 - B. Distinguish the noise from background ambient noise; and
 - C. Ascertain and identify the nature and source of the noise.

Section 14-102 General Prohibition

No person shall create or cause to be created an excessively loud or disturbing noise within the unincorporated area of the county between the hours of 10:00 p.m. and 6:00 a.m., or on Sundays during the hours while church services are in progress.

Section 14-103 Investigation upon Complaint

Upon a complaint, by a resident of the unincorporated area of the county, an officer of the county Sheriff's Department shall respond and enter the residence or other building of the complainant to determine whether the noise is in violation of this article.

Section 14-104 Issuance of Citation

If the officer determines the noise is excessively loud and disturbing, the officer shall issue a citation to the person violating this article to be returned to the county magistrate court.

Section 14-105 Impoundment of Instrument, Device, Etc.

If the person to whom a citation is issued under this article neglects or refuses to abate the noise upon the direction of the officer, such officer may impound the instrument, device, object, mechanism or animal causing the noise if he determines that such action is necessary to abate the noise. Any such impoundment may be stored in a safe place by the county Sheriff's Department and will be available for the owner to reclaim within a reasonable period of time after the impoundment.

PART III: PUBLIC WORKS AND PROPERTY

CHAPTER 15: RESERVED

CHAPTER 16: RESERVED

CHAPTER 17: RESERVED

CHAPTER 18: RESERVED

CHAPTER 19: RESERVED

CHAPTER 20: WATER SERVICE

Section

ARTICLE I. OGLETHORPE COUNTY WATER SYSTEM REGULATIONS

20-101	Requirements
20-102	Design Criteria



ARTICLE I. OGLETHORPE COUNTY WATER SYSTEM REGULATIONS

Section 20-101 Requirements

1. New structures requiring water service and for which a building permit must be issued, shall be required to tap into the public water system provided that a water transmission main with adequate water supply exists along a road which abuts the property.
2. Where a public water main with adequate water supply is within three thousand feet (3,000') of a proposed major subdivision boundary, the developer shall be required to connect thereto and install a water distribution system to serve all lots in the development. Said water distribution system shall be constructed and installed in conformity with the Oglethorpe County specifications for utility construction and shall be approved by the Oglethorpe County Engineer. The distance from the water main shall be determined by measuring from the closest property line of the development to the nearest existing water line via straight line. The developer must submit, along with the subdivision development application, a letter from the appropriate water utility provider stating that adequate public water supply is or will be made available to the property and committing to serve the property should the development be approved.

Upon completion and approval of said construction of all water system improvements to, into, and within the subdivision or development, the water system improvements shall be conveyed, together with access easements for maintenance, to Oglethorpe County with a one (1) year warranty on all improvements. Thereafter, Oglethorpe County shall maintain said lines as same shall be part of its water system.

3. Where connections to a public water main with adequate water supply is not possible, a proposed new subdivision may utilize an approved community water system, instead of individual private wells, to provide the water source for the development. Such community water system shall be subject to approval by the Environmental Protection Division of the Georgia Department of Natural Resources. The design, construction and installation of said community water system shall comply with the Oglethorpe County specifications for utility construction and shall be approved by the Oglethorpe County Engineer. Approval of such system shall further be subject to satisfactory provision for the maintenance thereof.

Section 20-102 Design Criteria

1. A continuous loop water system is strongly recommended where practical, with all portions of the system having possible feed from at least two (2) directions.
2. Water distribution mains for residential developments shall be no less than six inch (6") diameter pipe size. Eight inch (8") lines shall be required if loop lines are not provided at a maximum interval of twelve hundred feet (1,200'). In the event that the water supplier certifies the existence of insufficient water pressure to provide service to six inch (6") distribution lines to the site, appropriate reductions in the diameter of distribution lines may be permitted upon recommendation by the Oglethorpe County Engineer.
3. Commercial and industrial developments shall require water distribution mains no less than eight inch (8") diameter pipe size, unless it can be demonstrated that a smaller main will provide the proposed and future development with adequate pressure and fire-flow. Any such reductions in pipe size must be approved by the

Oglethorpe County Engineer. Larger water distribution mains may be required, as specified by the Oglethorpe County Engineer, for large industrial or commercial developments to assure adequate pressure and fire-flow.

4. Valves should be spaced in feeder mains such that each feeder loop can be isolated. Distribution main valves should be spaced so that adequate shutdown capability is provided without placing large numbers of customers out of service, or as specified by the Oglethorpe County Engineer.
5. Fire hydrants shall be required for all new major subdivisions except where individual wells are used. Fire hydrants shall be installed in conformance with the Oglethorpe County specifications or utility construction and located so that the entire area of the development shall have adequate fire protection. The maximum allowed distance between fire hydrants shall be one thousand feet (1,000').

Note: May need to get together with fire departments to coordinate system for identifying hydrants connected to community well systems that might not currently have adequate water pressure or water source for use in fire protection.)

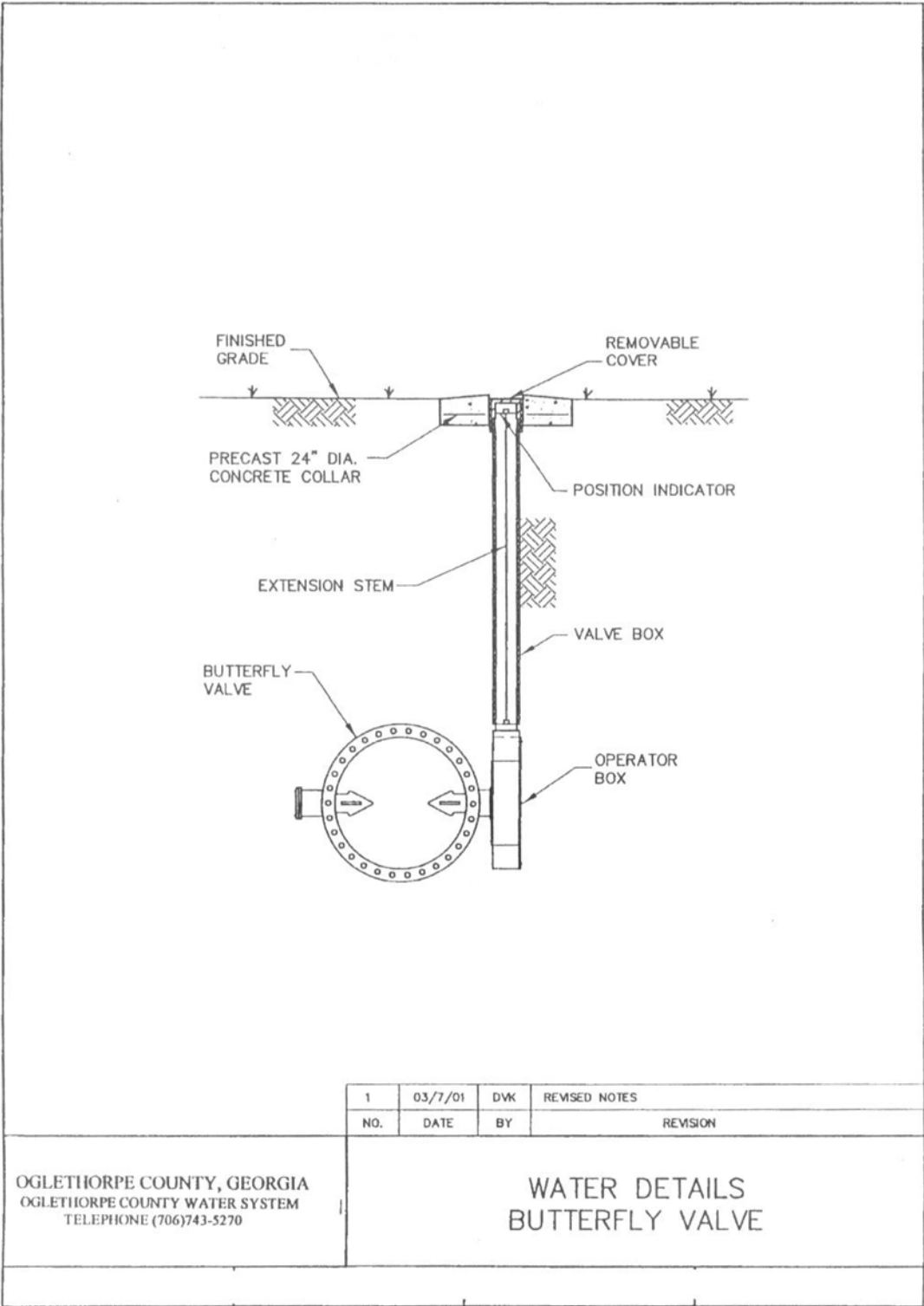
6. Where possible, all water mains shall be located within the public street right-of-way, outside of road surface areas, in conformance with the Oglethorpe County specifications for utility construction.
7. Permanent easements are required for all public water mains not located within the public street right-of-way. Permanent easements shall be thirty feet (30') wide, centered and parallel to the water main. Wider easements may be required by the Oglethorpe County Engineer. Where the water main is located near structures the easement must provide fifteen feet (15') lateral clearance between the main and the structures. If that clearance cannot be obtained, the water main must be installed in an approved encasement pipe. An easement for a public main located along a private roadway should include the width of the roadway plus the area between the main and the roadway plus an additional fifteen feet (15') on the side of the main opposite the roadway.

Blanket easements are not acceptable. Easements granted for public mains should be specifically described with dimensions and angles sufficient to allow the easement to be accurately located. The dedication of any easement shall prohibit location of permanent structures on, under or over the easement and shall allow the water utility provider access to the easement for construction, reconstruction, replacement, repair, operation, and maintenance purposes. Other appropriate or necessary requirements may also be included.

8. The location and design of all water system improvements shall be shown on the preliminary plat, and the cost of installing same shall be included in any required bond to be furnished by the developer.

Appropriate water system engineering specification sheets are attached.

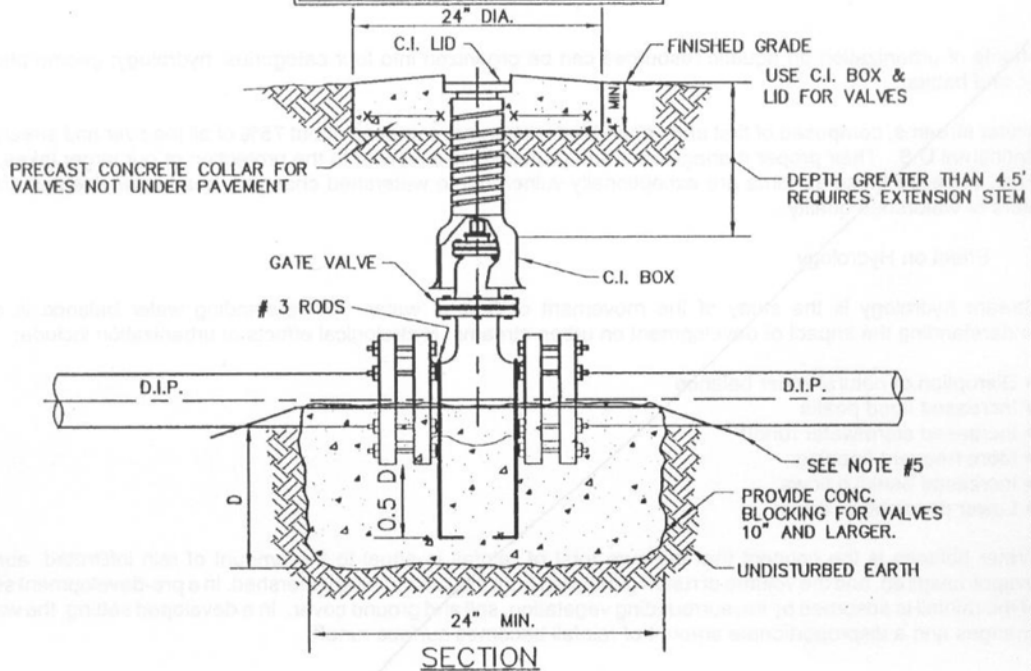
(Adopted 7/14/2003)



NOTES

1. DIMENSIONS ARE BASED ON 200 PSI STATIC PRESSURE PLUS AWWA WATER HAMMER (FS = 1.5).
2. ALL BLOCKING SHALL BE CARRIED TO UNDISTURBED GROUND.
3. ALL CONCRETE SHALL BE 3,000 PSI @ 28 DAYS, READY-MIX ASTM C-94.
4. DIMENSIONS ARE BASED ON 3,000 PSF SOIL BEARING. IF SOIL OF LESSER BEARING CAPACITY IS ENCOUNTERED, OBTAIN MODIFIED DIMENSIONS FROM THE ENGINEER.
5. PROVIDE 10 MIL. PLASTIC MEMBRANE WRAP BETWEEN VALVE AND CONCRETE TO PROTECT JOINTS & JOINT ACCESSORIES.

VALVE SIZE	CONCRETE DEPTH "D"	CONCRETE WIDTH
10"	27"	52"
12"	32"	63"
16"	37"	74"



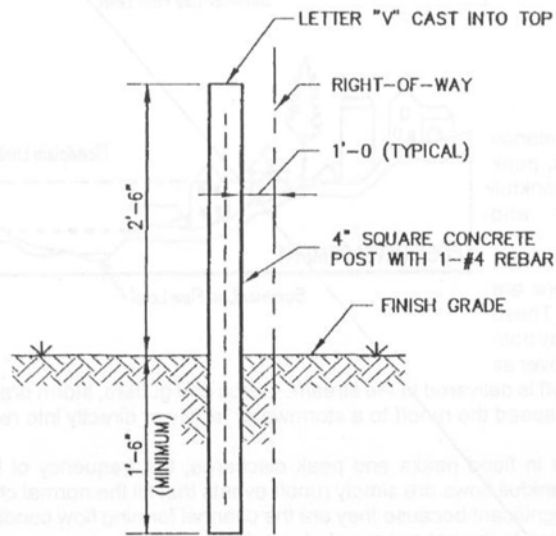
1	03/7/01	DVK	REVISED NOTES AND CONCRETE DIMENSIONS
NO.	DATE	BY	REVISION

OGLETHORPE COUNTY, GEORGIA
OGLETHORPE COUNTY WATER SYSTEM
TELEPHONE (706)743-5270

WATER DETAILS
GATE VALVE

NOTES

1. PLACE MARKER IN A PROTECTED LOCATION AT EDGE OF RIGHT-OF-WAY.
2. MARKER REQUIRED FOR ALL VALVES EXCEPT AT FIRE HYDRANTS.

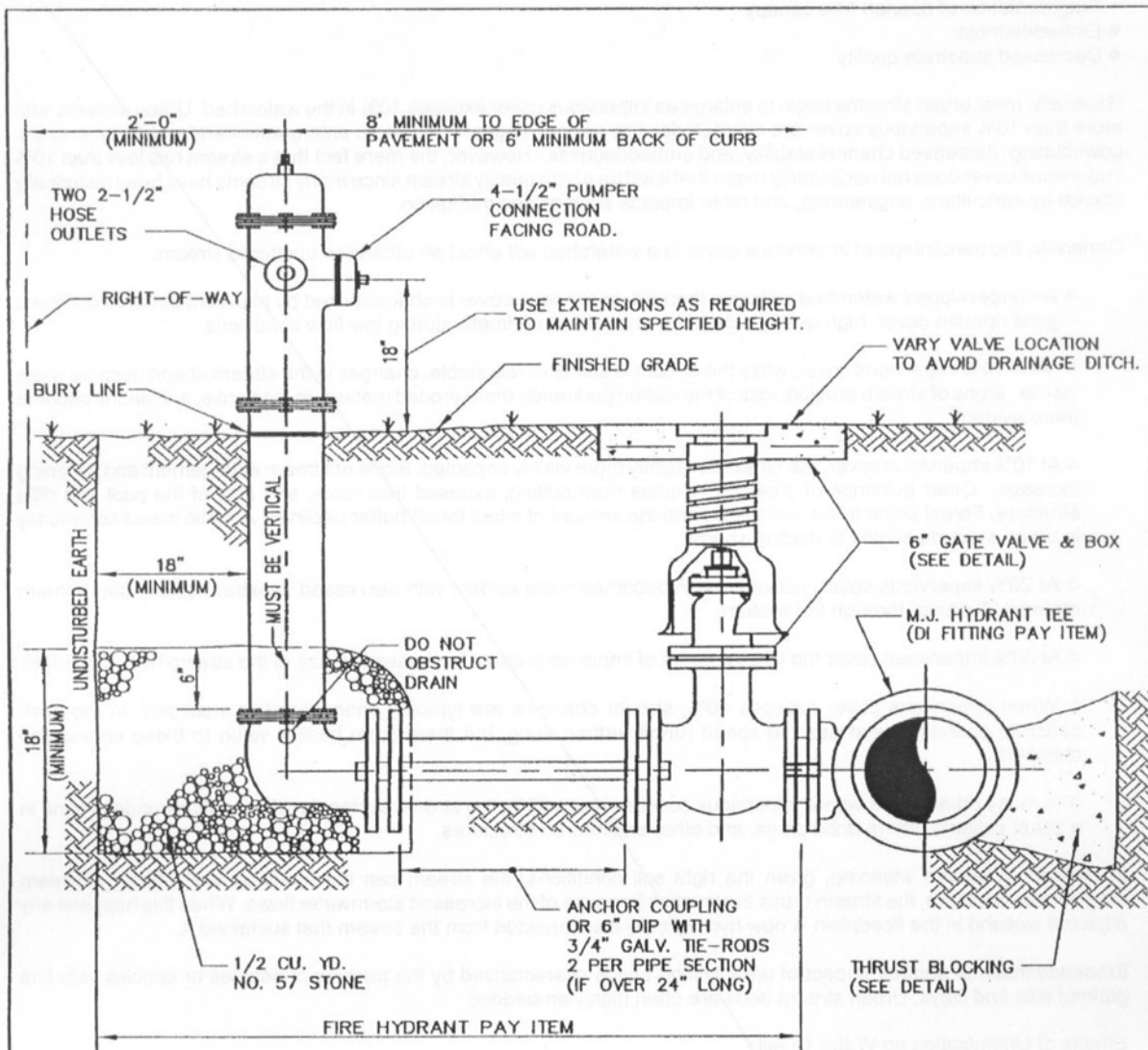


ELEVATION

1	03/7/01	DVK	REVISED DIMENSIONS
NO.	DATE	BY	REVISION

OGLETHORPE COUNTY, GEORGIA
OGLETHORPE COUNTY WATER SYSTEM
TELEPHONE (706)743-5270

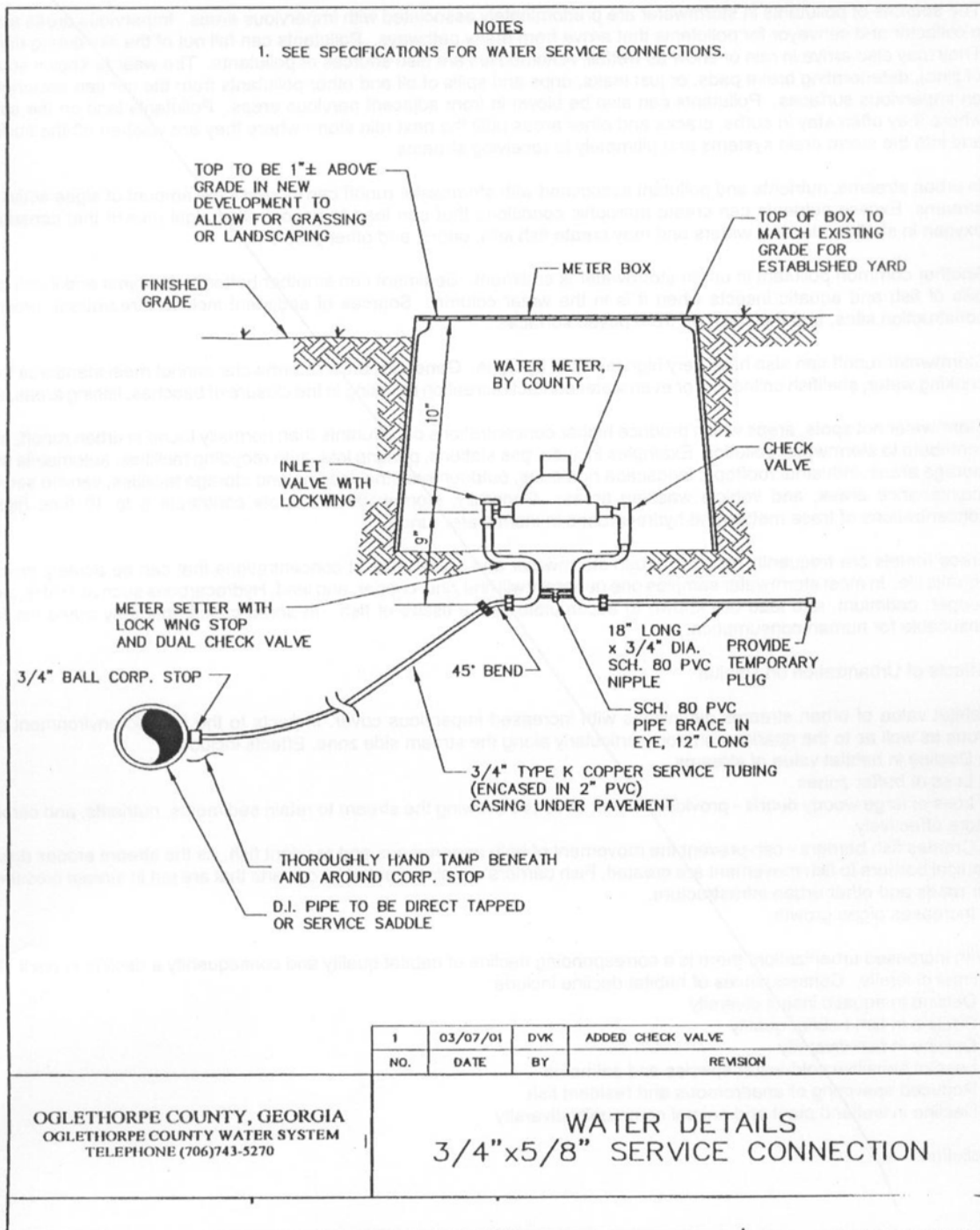
WATER DETAILS
VALVE MARKER

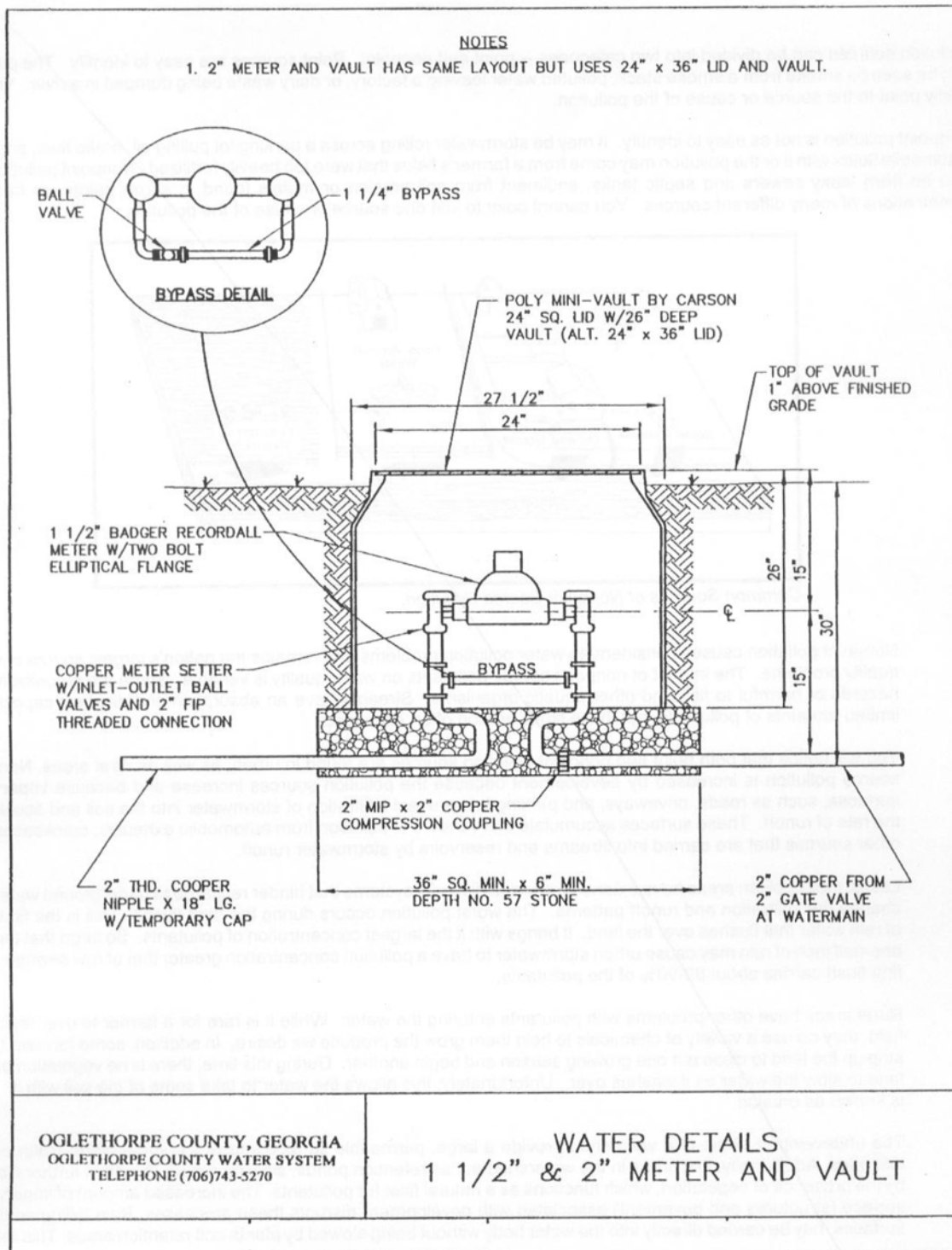


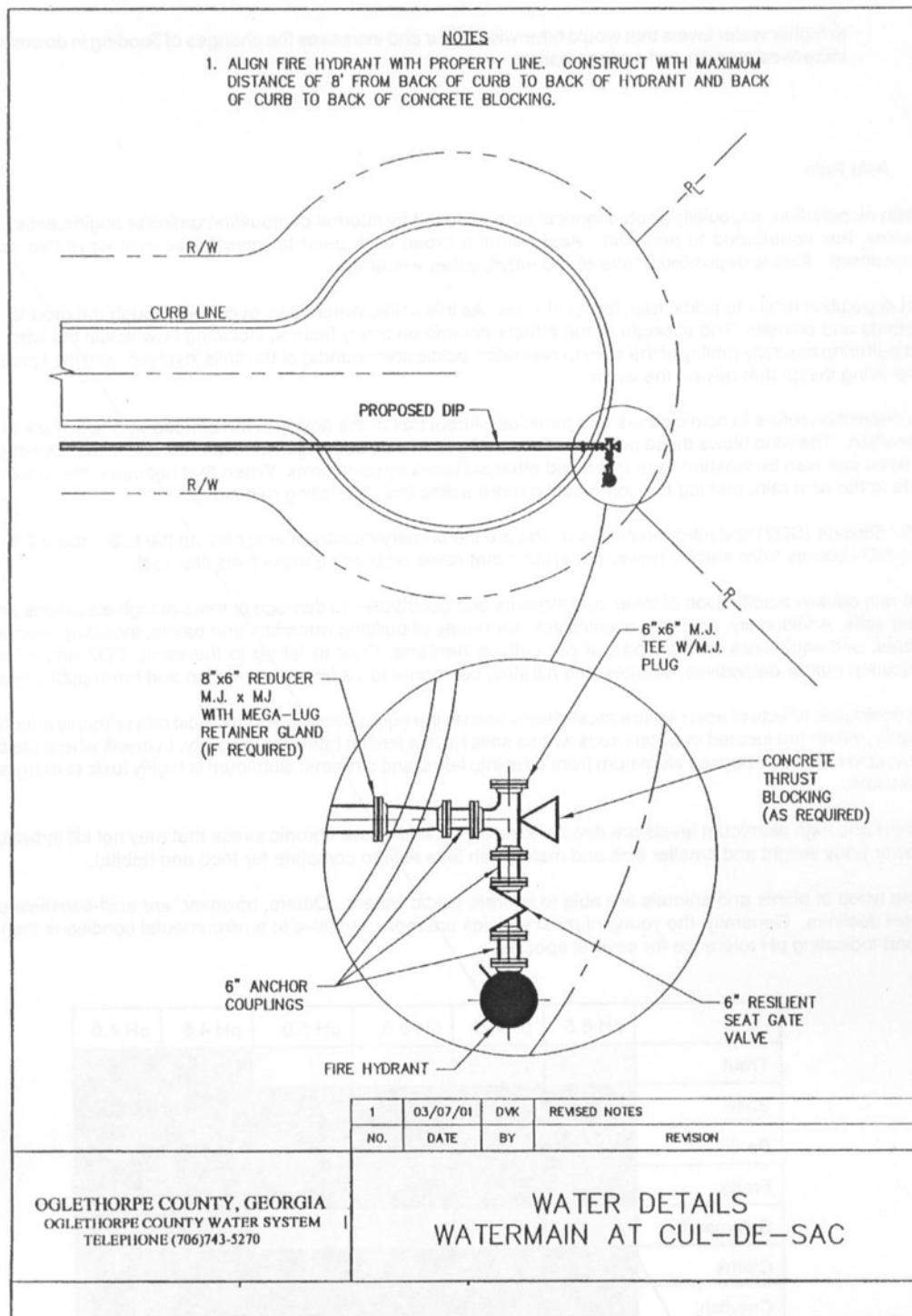
1	03/7/01	DVK	REVISED NOTES
NO.	DATE	BY	REVISION

OGLETHORPE COUNTY, GEORGIA
OGLETHORPE COUNTY WATER SYSTEM
TELEPHONE (706)743-5270

WATER DETAILS FIRE HYDRANT



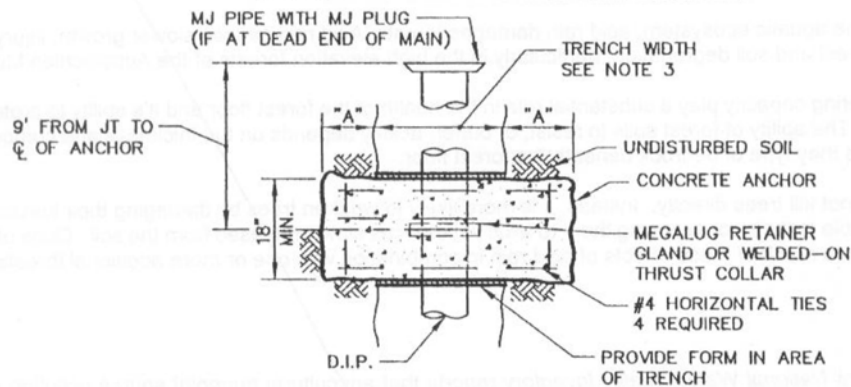




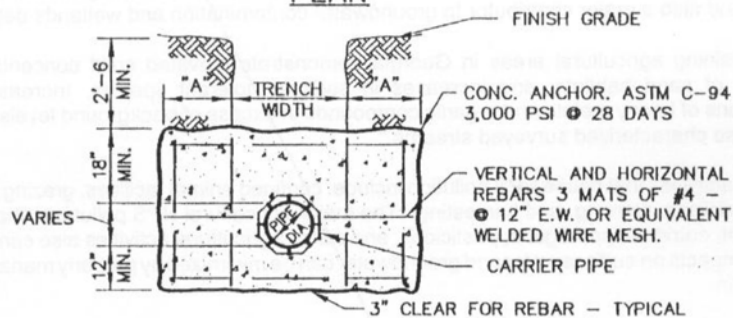
NOTES

1. DIMENSIONS BASED ON 200 PSI STATIC PRESSURE PLUS AWWA WATER HAMMER (FS = 1.5).
2. ALL BEARING SURFACES TO BE CARRIED TO UNDISTURBED GROUND. ANCHOR FORM MUST EXCAVATED PRIOR TO LAYING PIPE.
3. KEEP TRENCH AS NARROW AS PRACTICAL. NEVER MORE THAN O.D. + 15"
4. DIMENSIONS ARE BASED ON 3,000 PSF SOIL BEARING. IF SOIL OF LESSER BEARING CAPACITY IS ENCOUNTERED, OBTAIN MODIFIED DIMENSIONS FROM THE ENGINEER.

	PIPE DIAMETER			
	6"	8"	10" OR 12"	14" OR 16"
"A" (MINIMUM)	12"	18"	30"	48"



PLAN



SECTION

CONCRETE PIPE ANCHOR

NTS

1	03/07/01	DVK	REVISED NOTES AND DRAWING
NO.	DATE	BY	REVISION

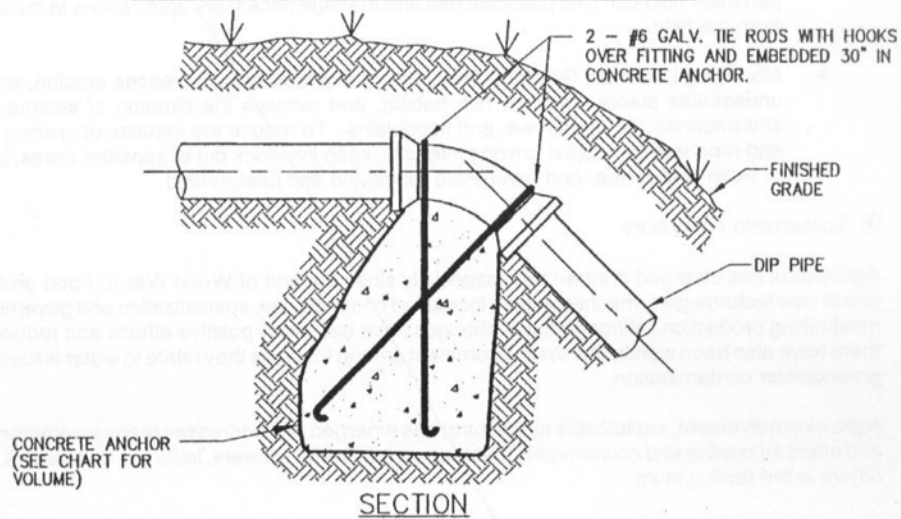
OGLETHORPE COUNTY, GEORGIA
OGLETHORPE COUNTY WATER SYSTEM
TELEPHONE (706)743-5270

CONCRETE PIPE ANCHOR

NOTES

1. USE READY-MIX CONCRETE WITH 3,000 PSI STRENGTH @ 28 DAYS.
2. PLACE CONCRETE CLEAR OF JOINT & JOINT ACCESSORIES.

VOLUME OF CONCRETE ANCHOR (CUBIC YARDS)				
FITTING DIAMETER	90° BEND	45° BEND	22.5° BEND	11.25° BEND
4"	1.00	0.50	0.25	0.25
6"	1.75	1.00	0.50	0.25
8"	3.00	1.75	1.00	0.50 </td
10"	4.75	2.50	1.25	0.75
12"	6.50	3.75	2.00	1.00
14"	7.75	5.00	2.50	1.50
16"	11.75	6.75	3.25	1.75



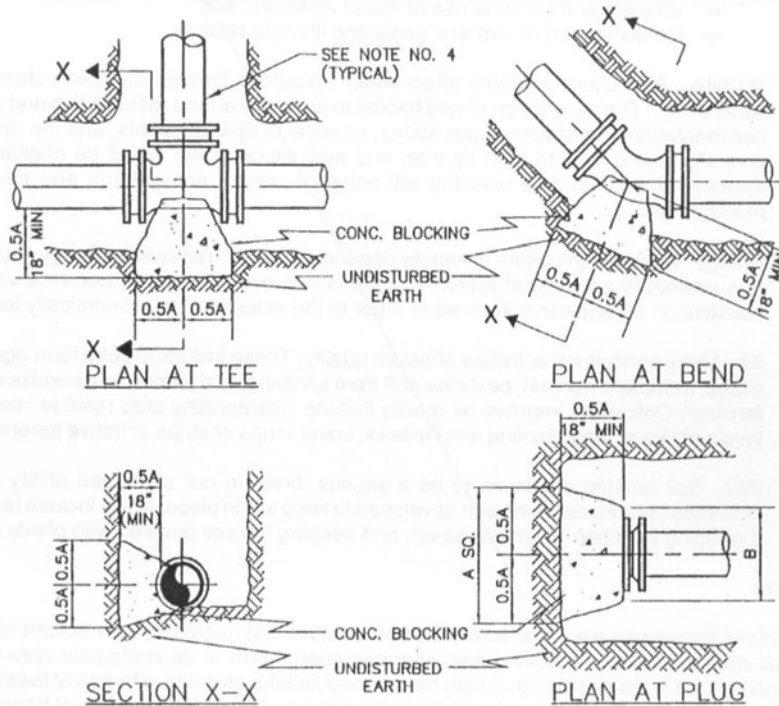
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WATER DETAILS
TIE-DOWN BLOCKING

NOTES

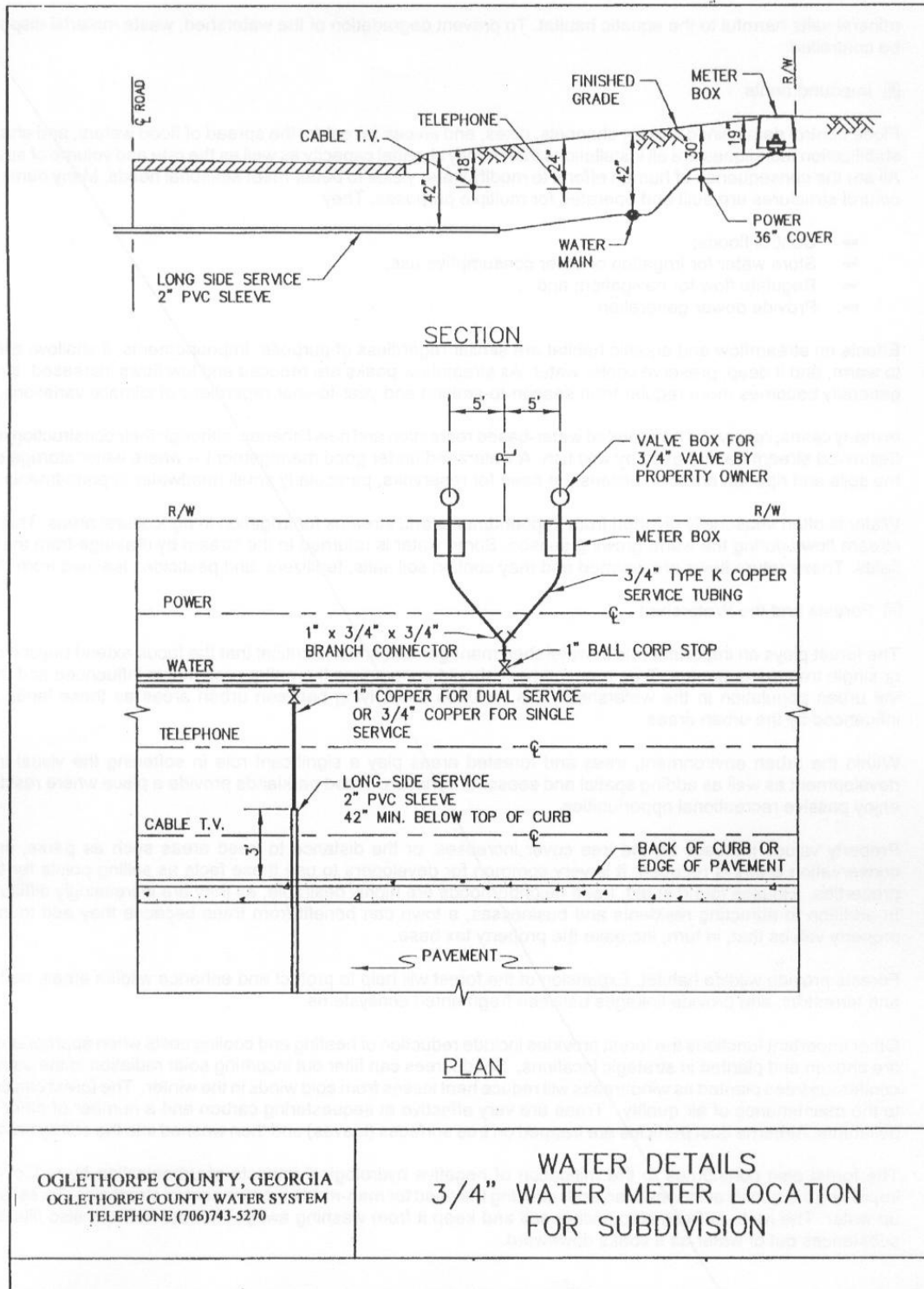
1. USE READY-MIX CONCRETE WITH 3,000 PSI STRENGTH @ 28 DAYS.
2. PLACE CONCRETE BEARING SURFACES AGAINST UNDISTURBED EARTH.
3. PLACE CONCRETE CLEAR OF JOINT AND JOINT ACCESSORIES.
4. PROVIDE 5' SECTION OF DIP ON EACH SIDE OF BEND AT TIE IN TO PVC OR AC PIPE.

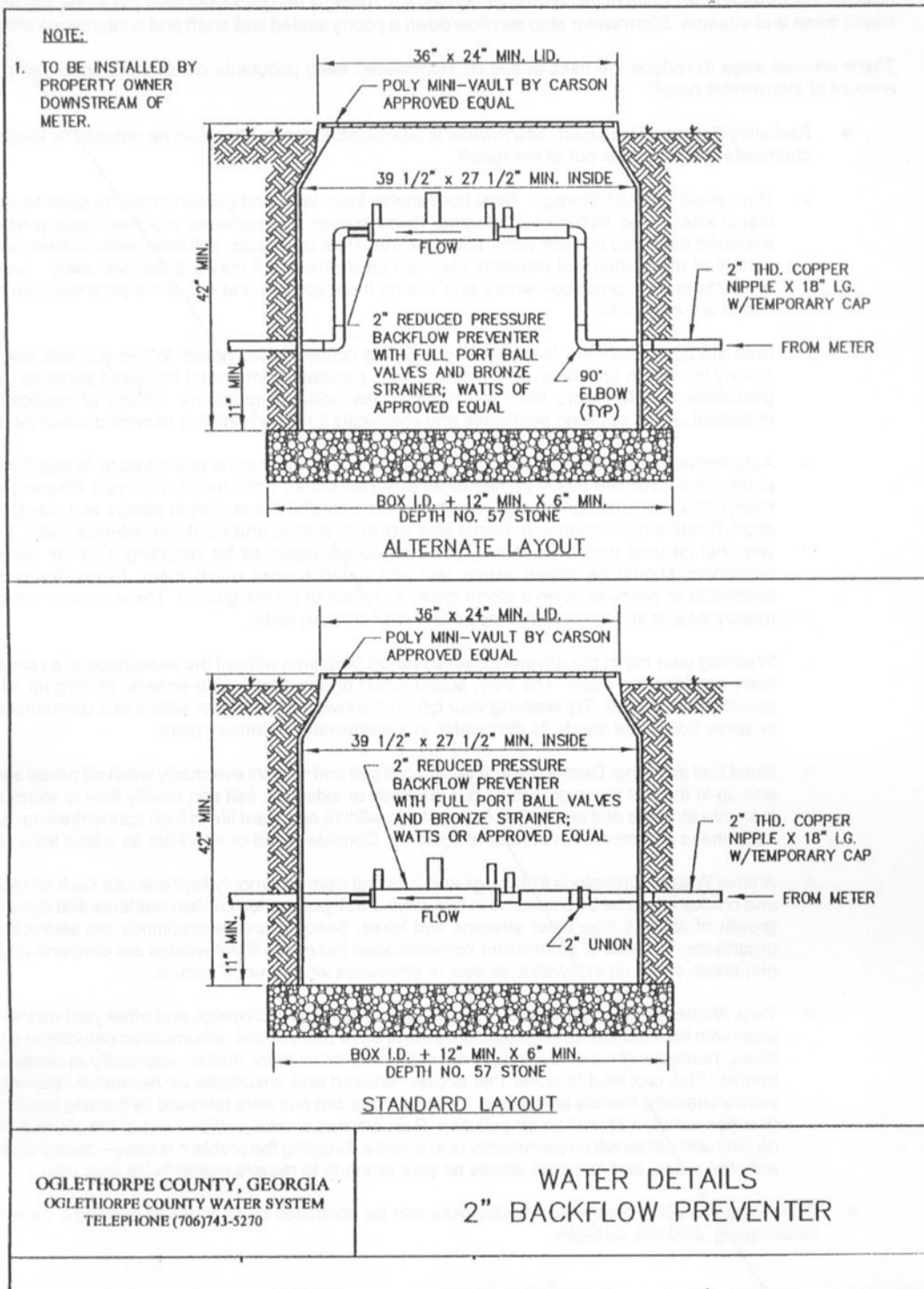
FITTING DIAMETER	90° BEND A	45° BEND A	22.5° BEND A	11.25° BEND A	TEES A	PLUGS A B
4"	15"	12"	12"	12"	12"	12" 10"
6"	20"	16"	12"	12"	18"	18" 12"
8"	30"	20"	15"	12"	24"	24" 12"
10"	36"	26"	18"	14"	30"	30" 14"
12"	40"	32"	20"	16"	36"	36" 16"
14"	48"	36"	26"	18"	40"	40" 18"
16"	64"	42"	32"	20"	48"	48" 20"



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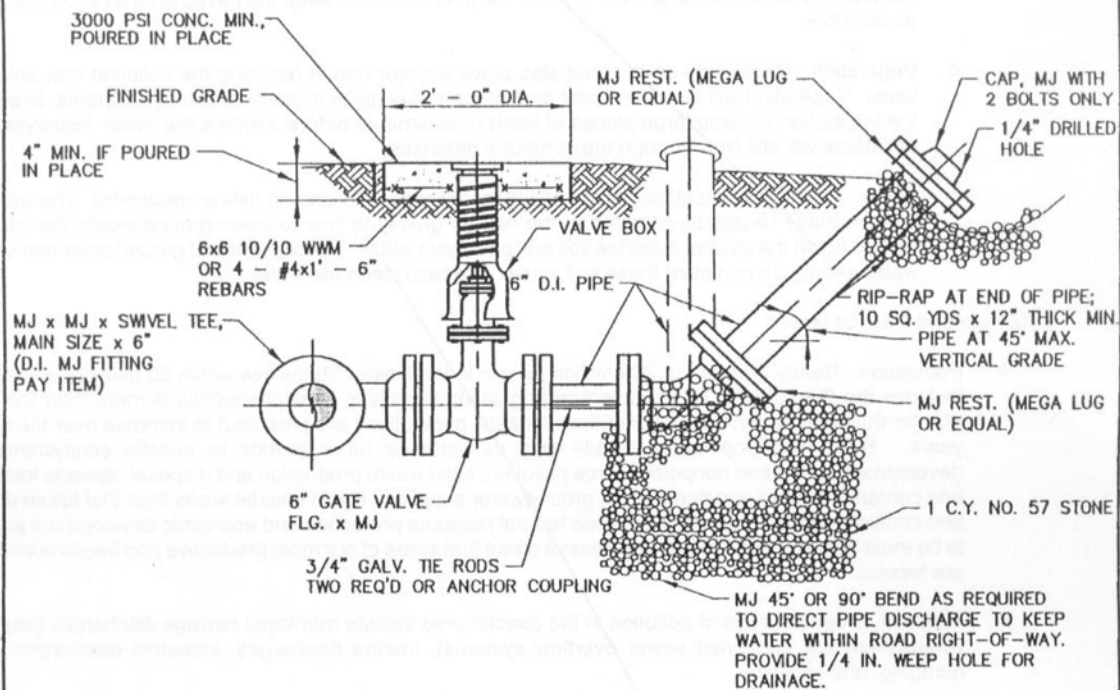
WATER DETAILS
THRUST BLOCKING





NOTES

1. DIRECTION AND LENGTH OF D.I. PIPE TO BE FIELD COORDINATED.
2. BLOW-OFF VALVE PAY ITEM TO INCLUDE VALVE, VALVE BOX, BEND, CAP RIPRAP, AND UP TO 10 L.F. OF D.I. PIPE.
3. ADDITIONAL FITTINGS AND D.I. PIPE (OVER 10 L.F.) WILL BE PAID UNDER APPROPRIATE BID ITEM.

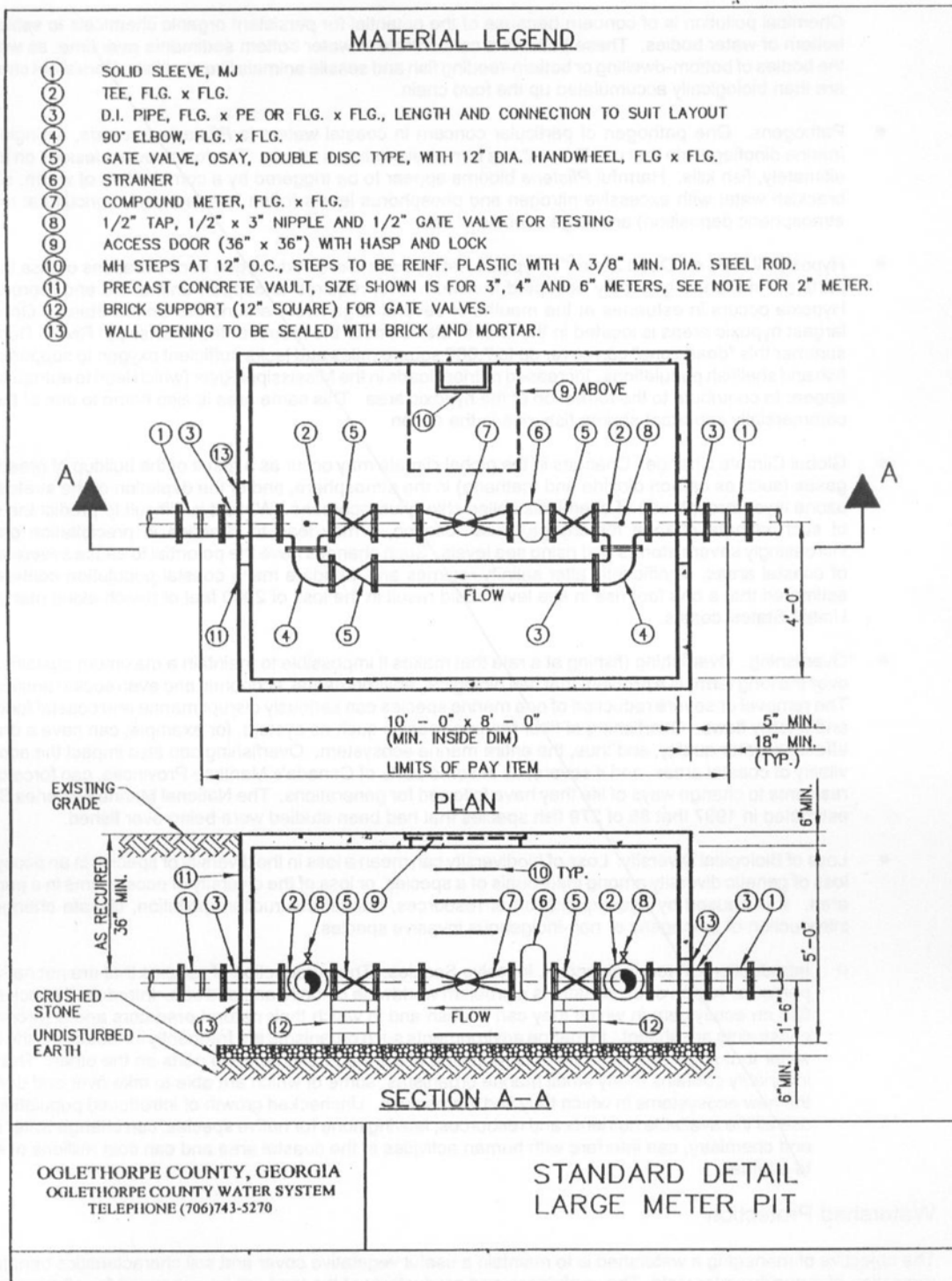


6" BLOW-OFF ASSEMBLY

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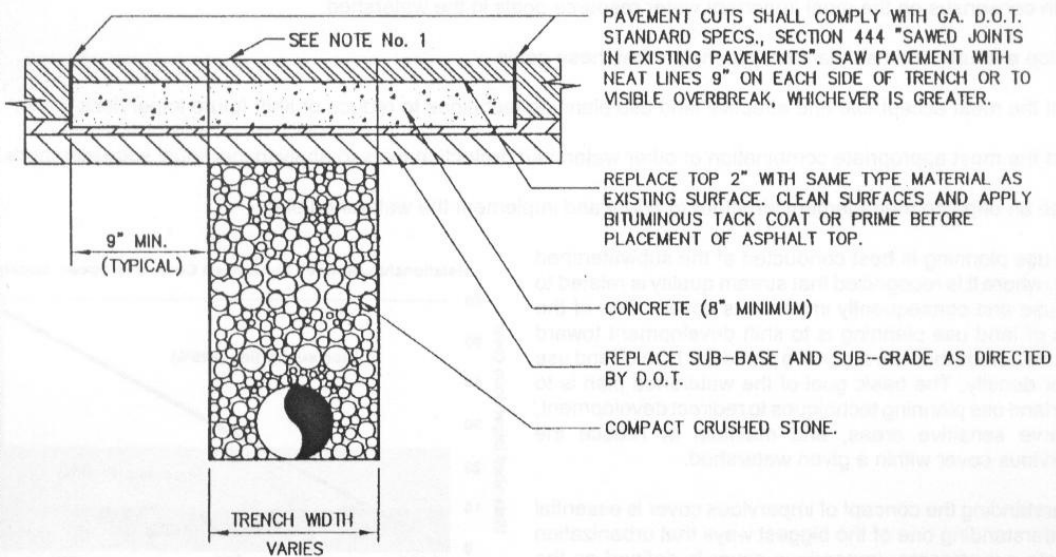
WATER DETAILS

6" BLOW-OFF ASSEMBLY



NOTES

1. COVER PAVEMENT CUTS WITH STEEL PLATES OF SUFFICIENT THICKNESS TO SPAN THE CUT AND SAFELY CARRY TRAFFIC.
2. USE READY-MIX CONCRETE WITH 3,000 PSI STRENGTH @ 28 DAYS.
3. COMPLY WITH SPECIFIC REQUIREMENTS OF APPLICABLE DOT UTILITY ENCROACHMENT PERMITS.



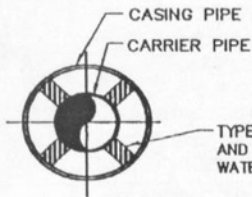
OGLETHORPE COUNTY, GEORGIA
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TELEPHONE (706)743-5270

WATER & SEWER DETAILS
D.O.T. PAVEMENT REPLACEMENT

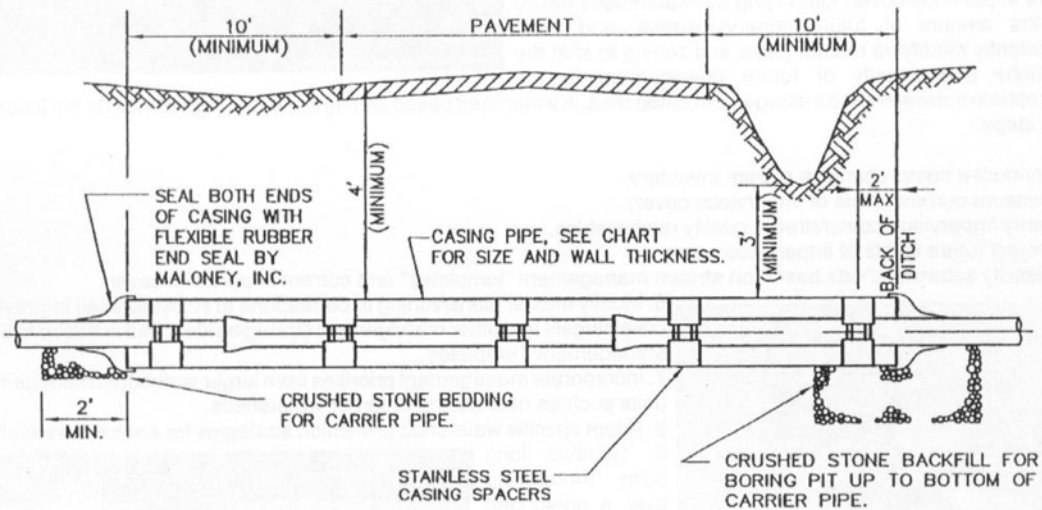
NOTES

1. INSTALL CASING BY BORING AND JACKING, UNLESS OTHERWISE NOTED.
2. CARRIER PIPE IN CASING SHALL BE DUCTILE IRON PIPE, PUSH-ON JOINTS WITH RESTRAINED JOINTS, U.S. PIPE FIELD LOK OR EQUAL.

DUCTILE IRON CARRIER PIPE		STEEL CASING PIPE	
INSIDE DIA.	MAX O.D.	NOMINAL DIA.	WALL THICK.
6"	9"	12"	0.250"
8"	11 1/4"	16"	0.250"
10"	13 1/2"	18"	0.250"
12"	15 1/2"	20"	0.375"
14"	17 3/4"	22"	0.375"
16"	20"	24"	0.375"
18"	22 1/4"	28"	0.375"
20"	24 1/4"	30"	0.375"
24"	28 1/2"	36"	0.500"



TYPE 304 STAINLESS STEEL CASING SPACERS WITH PVC LINERS AND LOW FRICTION POLYMER RUNNERS. MANUFACTURED BY CASCADE WATERWORKS MFG. CO. OR EQUAL. (2 REQUIRED PER JOINT)



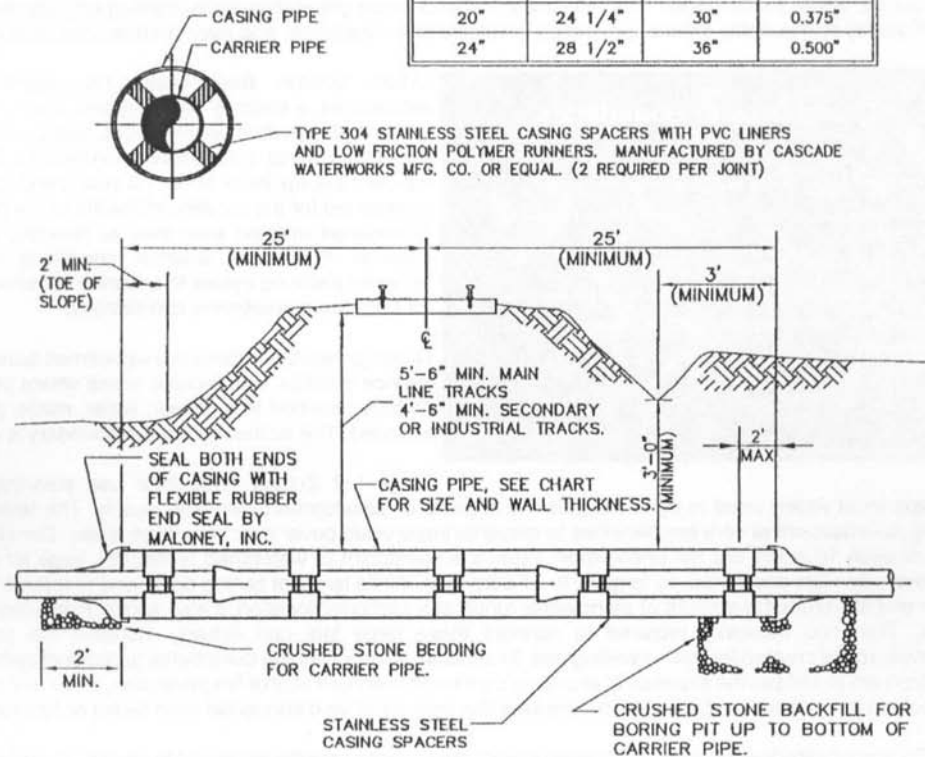
OGLETHORPE COUNTY, GEORGIA
OGLETHORPE COUNTY WATER SYSTEM
TELEPHONE (706)743-5270

WATER & SEWER DETAILS
HIGHWAY CROSSING

NOTES

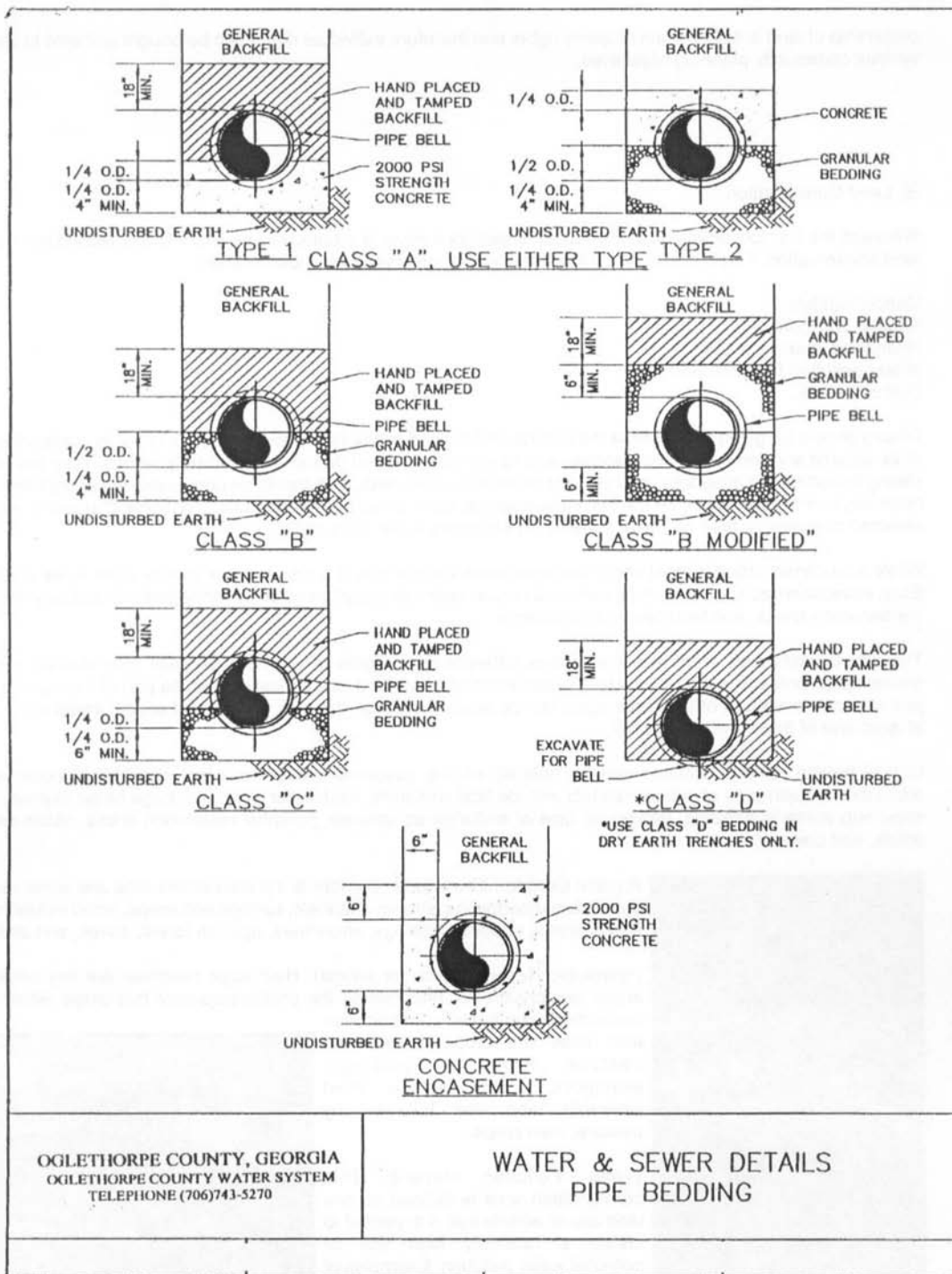
1. INSTALL CASING BY BORING AND JACKING, UNLESS OTHERWISE NOTED.
2. CARRIER PIPE IN CASING SHALL BE DUCTILE IRON PIPE, PUSH-ON JOINTS WITH RESTRAINED JOINTS, U.S. PIPE FIELD LOK OR EQUAL.

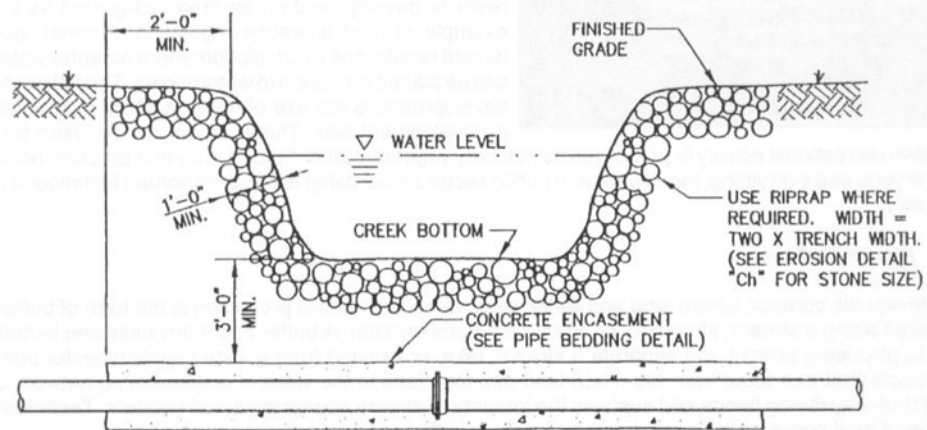
DUCTILE IRON CARRIER PIPE		STEEL CASING PIPE	
INSIDE DIA.	MAX O.D.	NOMINAL DIA.	WALL THICK.
6"	9"	12"	0.250"
8"	11 1/4"	16"	0.250"
10"	13 1/2"	18"	0.250"
12"	15 1/2"	20"	0.375"
14"	17 3/4"	22"	0.375"
16"	20"	24"	0.375"
18"	22 1/4"	28"	0.375"
20"	24 1/4"	30"	0.375"
24"	28 1/2"	36"	0.500"



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WATER & SEWER DETAILS
RAILROAD CROSSING





SECTION

OGLETHORPE COUNTY, GEORGIA
 OGLETHORPE COUNTY WATER SYSTEM
 TELEPHONE (706)743-5270

WATER & SEWER DETAILS
 CREEK CROSSING

CHAPTER 21: RESERVED

CHAPTER 22: ROADS

Section

ARTICLE I. ROAD ORDINANCE

22-101	Definitions and Construction Considerations
22-102	Paving Requirement for Subdivision Roads
22-103	Utility Installation
22-104	Culverts and Pipe
22-105	Grassing
22-106	Road Signs
22-107	Acceptance of Streets/Roads

ARTICLE II. SUBDIVISION ROAD INSPECTIONS

22-201	Road Inspection Required
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ARTICLE III. REWARD FOR ROAD SIGN DAMAGE

22-301	Reward for Road Sign Damage
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ARTICLE IV. HAULING AND LOGGING OPERATIONS

22-401	Division I: Generally
22-402	Division II: Permit



ARTICLE I. ROAD ORDINANCE

Section 22-101 Definitions and Construction Considerations

1. **Construction Standards and Details.** The Oglethorpe County Standards and Details are hereby made a part of this ordinance and shall be used to construct the structures and items contained therein. Copies of all or individual Standards and Details are available from the County Commissioner's office. Items and structures not covered shall be constructed in accordance with the current Georgia Department of Transportation Specifications, Standards and Details. The developer may submit special design structures accompanied by a detailed drawing and explanation of the use and purpose of the structure. The Board of Commissioners or their representative shall approve the structure before construction begins.
2. **Right-of-way (R/W).** Right-of-way for roads and streets shall conform to the minimum widths set forth in the current Subdivision Regulations of Oglethorpe County, Georgia. However, R/W shall also be increased to or may be decreased to the following widths for roadways that are constructed according to the attached typical sections:
 - A. Twenty-four feet (24') of pavement with five foot (5') shoulders: eighty feet (80').
 - B. Twenty feet (20') of pavement with curb and gutter: fifty feet (50'). (Yields twenty-four feet [24'] of driving surface.)
 - C. Twenty feet (20') of pavement with five foot (5') shoulders: seventy feet (70')
 - D. Eighteen feet (18') of pavement with curb and gutter: forty feet (40'). (Yields twenty feet [20'] of driving surface)
3. **Easements.** Easements are required and shall be shown on the plat for slopes, drainage structures and utilities for the following conditions:

- A. Cut or fill slopes that are graded according to the attached typical section and by nature of the topography extend beyond the R/W. Slopes that are flattened at the developer's discretion for aesthetic purposes are not considered criteria for an easement.
 - B. An easement shall be shown on the plat for all drainage structures twenty-four inches (24") and larger and extending a minimum of twenty feet (20') left and right and fifty feet (50') above and below the structure. Easements for large structures or difficult topographical features may require larger limits and should be discussed with the Board of Commissioners or their representative in advance. The purpose of a drainage easement is to allow Oglethorpe County to adequately maintain these structures and the free drainage of the inlet and outlet ends. Utilities, not including service taps, installed beyond the R/W due to topographical conditions shall include a utility easement on the lot.
 - C. The existence of an easement on a lot does not reduce the acreage of the lot.
4. **Inspection Schedule.** It is the responsibility of the developer to adhere to the Requirements for Subdivision Road Inspections and notify the Roadway Inspector when inspections are needed. Materials and roadway items found to be in non-compliance and brought to the attention of the developer shall be re-inspected when the work has been corrected. The cost of repeated inspections of non-compliance or punch list items that were not corrected will be charged to the developer.

Section 22-102 Paving Requirement for Subdivision Roads

1. **Clearing and Grubbing Right-of-way.** This work shall consist of removal of all trees and vegetation within the R/W to an approved site for disposal. Stumps, boulders or large stones may be left in place three feet (3') below sub-grade provided stumps are cut off at ground level. Stump holes, removed boulders or large stones shall be backfilled with the most suitable material available and compacted to not less than ninety-five percent (95%) of the maximum density.
2. **Grading.** This work shall consist of grading the roadway to line, grade and cross-section as approved or stated herein. Compaction shall not be less than ninety-five percent (95%) of the maximum density, except that the top one foot (1'), including the sub-grade, shall be compacted to not less than one hundred percent (100%) of the maximum density.
3. **Sub-grade.** This work consists of obtaining and placing suitable sub-grade material on the top six inches (6") of the roadway, mixing, compacting and shaping to grade and cross-section. This work also includes sub-grade stabilization. The entire surface of the roadway (width of pavement plus one foot [1'] left and right) shall be plowed, harrowed and mixed to a depth of at least six inches [6"]). After the material has been thoroughly mixed, the sub-grade shall be compacted to one hundred percent (100%) of the maximum density. Sheep foot rollers are required.

Sub-grade material shall be of a suitable soil as defined by the current Georgia Department of Transportation Specifications. If such material is not available on site, it shall be furnished by the developer. On site materials not meeting the above criteria may be stabilized with crushed stone as defined in the current Georgia Department of Transportation Specifications.

4. **Base.**
 - A. **Graded Aggregate and Asphaltic Concrete Base.** All roads and streets shall have a base placed upon the sub-grade consisting of six inches (6") of graded aggregate base or four inches (4") of asphaltic concrete Type "B". Graded aggregate base shall be compacted to one hundred percent (100%) for the maximum density. Asphaltic concrete base shall be compacted to at least ninety-eight percent (98%) of the maximum density.
 - B. **Soil Cement Base.** Existing sub-grade shall be harrowed to a depth of one foot (1') and compacted to one hundred percent (100%) of the maximum density with sheep foot rollers and bladed to cross-section and profile, then the top six inches (6") shall be thoroughly mixed with an eight percent (8%) mixture of Portland cement with a rotary mixer and compacted to one hundred percent (100%) of the maximum density with sheep foot rollers or vibratory smooth rollers. Adequate moisture should be added as necessary to assure bonding of the soil and cement.
5. **Paving.** All streets shall be paved with two inches (2") of asphaltic concrete Type "E" or Type "F" onto a properly prepared base. Asphaltic concrete surface course shall be compacted to at least ninety-eight (98%) of the maximum density.

6. **Compaction.** Compaction tests shall be performed on the following materials at the following intervals:
- A. **Grading.** One (1) compaction test shall be required in each fill section two feet (2') in depth or greater regardless of length and one (1) test is required every five hundred feet (500') in fill sections longer than five hundred feet (500'). A compaction test shall be required within every four feet (4') of fill or portion thereof for fills greater than four feet (4'). Fill material shall be compacted to at least ninety-five percent (95%) of the maximum density.
 - B. **Sub-grade.** One (1) compaction test shall be required every five hundred feet (500') of sub-grade. The sub-grade shall be compacted to one hundred percent (100%) of the maximum density.
 - C. **Base.** For aggregate base material, a compaction test shall be required every five hundred feet (500'). Aggregate base shall be compacted to one hundred percent (100%) of the maximum density. For asphaltic concrete base shall be compacted to at least nine-eight percent (98%) of the maximum density.
 - D. **Paving.** For asphaltic concrete paving, a compaction test shall be required every five hundred feet (500'). Asphaltic concrete paving shall be compacted to at least ninety-eight percent (98%) of the maximum density.

Any areas that do not meet with the specified compaction shall be excavated and replaced with suitable material. Test results shall be submitted to the Chairman of the Board of Commissioners or the Chairman's designee, as conducted. The developer shall incur all costs for compaction tests.

Section 22-103 Utility Installation

All utilities shall be installed a minimum of one and one-half feet (1 ½') from the edge of the pavement or the back of the curb. Utilities, not including service taps, installed beyond the R/W due to topographical conditions shall include a utility easement on the lot. All utilities and service taps shall be installed three feet (3') below the working surface while within the R/W or easement.

Section 22-104 Culverts and Pipe

Pipe size shall be determined by standard engineering practice. The developer will provide drainage areas on the plat. All pipe shall be galvanized bituminous coated, aluminized galvanized or concrete and shall be obtained from a DOT approved supplier. Cross drain pipe smaller than eighteen inches (18") in diameter shall not be used, including entrances to subdivisions on existing roadways and side streets. One of the following materials shall be used at the ends of cross drain pipe: Flared end sections (except on pipe thirty inches [30"] or larger), stone dumped rip-rap, sand bag rip-rap or concrete headwalls according to OC Standards and Details. Safety flared end sections or safety grates on headwalls shall be used on cross drain pipes at subdivision entrances and other roads or streets along roadways with speed limit of forty-five miles per hour (45 MPH) or greater.

A flared end section shall be attached to the inlet and outlet of side drain pipe. Pipe less than fifteen inches (15") in diameter shall not be used. Plastic pipe (fifteen inches [15"] or larger) may be used for driveway only. Driveways should be constructed to divert water into drainage ditches or away from the road according to the Oglethorpe County Driveway Ordinance.

Section 22-105 Grassing

Topsoil, which may be stripped and stockpiled during clearing and grubbing, shall be spread over the shoulders and front slopes of the roadway a minimum depth of four inches (4") in preparation for a seed bed. The soil shall be thoroughly broken, well pulverized, smoothed and firmed before planting. Ditches and back slopes may also be treated with soil before planting as described above. Otherwise ditches and back slopes shall be harrowed, well pulverized and smoothed in preparation for a seed bed. Shoulders, front slopes, ditches and back slopes shall be seeded with Bermuda grass applied at the rate of two pounds per one thousand square feet (2 lbs./1,000 sq. ft.) or fescue applied at the rate of five pounds per one thousand square feet (5 lbs./1,000 sq. ft.). The entire seeded area shall be mulched. Centipede grass will not be used in development with sidewalks or those graded in such a way that the lawns are contiguous with the back slope.

Section 22-106 Road Signs

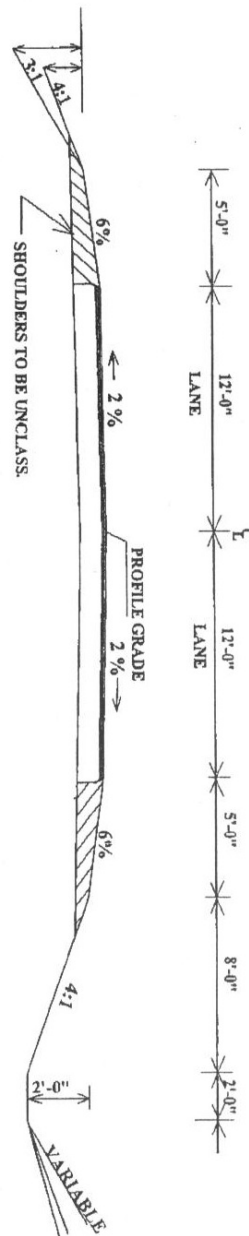
The subdivider shall deposit with the county, at the time of final subdivision approval, the sum of seventy-five dollars (\$75.00) for each street sign and one hundred dollars (\$100.00) for traffic control signs required by the road department, at all intersections. The county shall install all road signs before the issuance of Certificate of Occupancy for any residence on the roads approved. Road signs are to be placed at all intersections within or abutting the subdivision, the type and location of which are to be approved by the Road Department.

Section 22-107 Acceptance of Streets/Roads

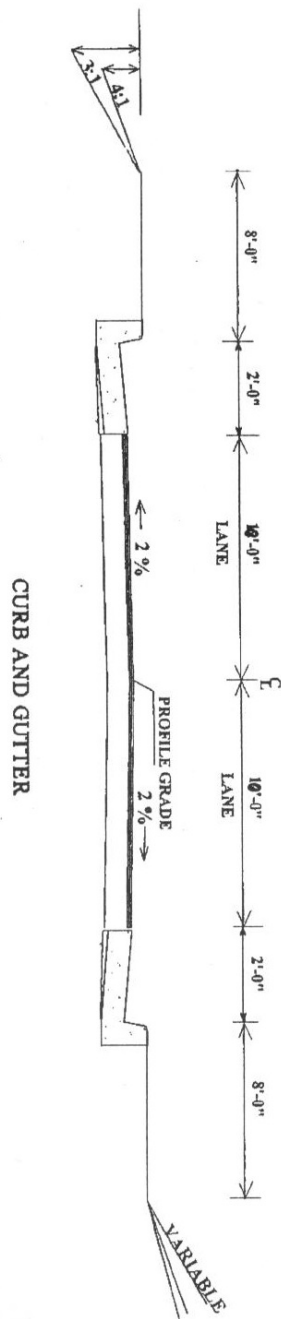
No public authority shall accept, improve, or maintain any street/road not shown on an approval and recorded final plat unless such street shall have received the legal status of a public street/road prior to 14, April 1997. No building shall be erected on any lot in the unincorporated portion of Oglethorpe County unless the street giving access thereto has been accepted as a public street/road or surety bond posted in accordance with Article 10 of the Subdivision Regulations of Oglethorpe County.

(Adopted 5/9/2005)

TYPICAL SECTION



SLOPE CONTROL
 4:1 0 - 5 FT
 3:1 OVER 5 FT.



ARTICLE II. SUBDIVISION ROAD INSPECTIONS

Section 22-201 Road Inspection Required

In order to ensure the compliance with state and federal regulations as well as the Road Ordinance, road inspections are required as follows:

1. When clearing and grubbing is complete on a section of roadway and before grading is begun to ensure stumps, trees, boulders and other debris have been properly removed;
2. During the grading process whenever a compaction test is required according to the current Oglethorpe County Road Ordinance and when cross-drain pipe is being laid or as deemed appropriate by the Inspector;
3. When a section of grading is complete and the sub-grade is being processed according to the current Road Ordinance, the Inspector may request a test roll by a loaded truck of sufficient weight to satisfy the Inspector that proper construction and compaction have been achieved;
4. When a section of base has been placed on the sub-grade and when required compaction tests are being performed. In addition to or in lieu of compaction tests as required, the Inspector may request a test roll by a loaded truck of sufficient weight to satisfy the Inspector that proper construction and compaction has been achieved;
5. During the paving operation to ensure proper placement of the paving material according to the current Road Ordinance;
6. During the same time the above inspections are being made, the Inspector shall make measurements and determinations that the roadway is being built to grade and cross-section.

The Inspector has the authority to have the developer or their contractor remove unsatisfactory materials and workmanship and replace such until satisfactory results are obtained.

ARTICLE III. REWARD FOR ROAD SIGN DAMAGE

Section 22-301 Reward for Road Sign Damage

The Board of Commissioners authorizes the reward of two hundred fifty dollars (\$250.00) to an individual for information that leads to the arrest and conviction of persons for damaging or defacing road signs in the county. The Board of Commissioners shall make the final decision to determine whether an individual is entitled to the reward.

ARTICLE IV. HAULING AND LOGGING OPERATIONS

Section 22-401 Division I: Generally

1. **Scope.** This article shall cover any person who uses a county right-of-way in carrying out his business by loading, transporting, or unloading materials of any nature, whether on the road surface or a county right-of-way, or crossing the unpaved portion of the right-of-way including ditches or embankments.
2. **Definitions.** The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - A. **Access Site.** Any temporary roadway, drive, structure, fill or device, existing or constructed, that is used or employed for the purpose of crossing, travel upon or use of county road rights-of-way.
 - B. **County Right-of-way.** The shoulder, front slope, ditch, drain and back slope, facility or any appurtenance of any county road as defined in this section.
 - C. **County Road.** Any county owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.
 - D. **Harvester.** Any person involved in loading and hauling pulpwood, stone, fill dirt, or construction material or logging and timber operations within the county.
 - E. **Heavy Equipment Machinery and Vehicles.** Any and all devices in, upon or by which any person or property may be transported or drawn including, but not limited to, semi-trailers, trailers, tractors and truck-tractors; provided, however, vehicles in use immediately for the control or extinguishing of wild fire shall be exempt from this article.
 - F. **Loading and Unloading.** Shall be defined by its everyday meaning, but also shall include any activity known as harvesting or mining of any product or material.

- G. **Operations.** Those activities contemplated by this article, including the loading or transporting of raw materials such as stone, timber, pulpwood, fill dirt and construction material.
- H. **Operator.** Any individual, partnership, corporation, association, of private or any character, and the officers, agents, and employees thereof carrying out the activities contemplated by this article.
- 3. **Loading Sites.** All harvesting, grading or loading shall be conducted at a loading site off of the county right-of-way and behind the established ditch line of county roads.
- 4. **Ditches.** Ditches within fifty feet (50') of a temporary driveway or right-of-way crossing shall be kept clear of all debris or residue at all times to allow for proper drainage. Culverts shall be installed at temporary entrances, as needed, to facilitate proper drainage flow. The Road Superintendent shall notify the operator of the requirement for a culvert based on good engineering and driveway maintenance practices.
- 5. **Warning Signs.** Any person operating on county rights-of-way shall be required to post warning signs at least five hundred feet (500') on both sides of a temporary driveway adequately warning oncoming traffic of persons, vehicles, equipment or machinery entering the roadway.
- 6. **Maintenance of Roadway.** County roads shall be kept serviceable and open at all times for school buses, emergency vehicles, mail carriers and traffic of the general public.
- 7. **Adjacent Properties.** Operations conducted under this article shall not unreasonably interfere with vehicular and pedestrian traffic and the means of ingress and egress from the affected and adjacent properties.
- 8. **Supervision and Inspection.** All work for which a permit is required under this article shall be subject to inspection and supervision by the Road Superintendent. The Chairman of the Board of Commissioners, or his designee, shall have the authority to order the applicant to cease all hauling and logging operations immediately when the weather conditions compromise public safety or public property or when operations are in violation of the standards of this article.
- 9. **Gravel and Approaches.** The Road Superintendent may require the placement of gravel or prepared approaches to the county road or right-of-way when the duration of the operations or weather conditions require it. The standards applicable to such gravel and approaches shall be generally in accordance with the provisions of chapter 30, article III, of this code.
- 10. **Damage.** If damage has occurred to the county streets or roads during operations coming under this division, the operator having caused the damage shall undertake the repairs necessary to return the county road or right-of-way to its original condition.
- 11. **Liability for Damages and Arbitration.**
 - A. **Liability.** Any provisions of this article notwithstanding, any applicant or operator shall be liable to the county for the full amount of any damages caused by such operations, the amount of bond notwithstanding. In timber harvesting operations, the timber purchaser and the timber harvester shall be jointly liable.
 - B. **Arbitration.** If the parties cannot agree on the amount of damages, the applicant shall have the right to request arbitration in writing. The county shall choose one arbitrator and the operator shall choose the second, both of whom shall be residents of the county. Together, the two (2) designees shall choose a third arbitrator who shall be a registered forester residing in the county or a county contiguous thereto. Within thirty (30) days of their designation, such arbitration panel shall be subject to appeal to the county superior court.

Section 22-402

Division II: Permit

- 1. **Required.** No harvester shall use an existing driveway or access point nor shall install any new driveway, temporary driveway, or means of ingress and egress to any property abutting a county road or county-maintained road, without first making application to the Board of Commissioners through the Chairman of the Board of Commissioners, or his designee, and receiving a permit authorizing such installation or use.
- 2. **Application.** The application for a permit required by this division shall consist of the following:
 - A. The name, address and telephone number of the party which will be loading or unloading;
 - B. The approximate location of access sites to the county road;
 - C. The date work will commence;
 - D. Name, address and telephone number of title owner of tract; name, address and telephone number of person responsible for landowner's interest, if title is not in the name of an individual;
 - E. Name, address and telephone number of entity purchasing timber from landowner if permit is being used for timber harvesting; and name, address and telephone number of person responsible.

3. Bond Required.

- A.** An applicant for a permit required by this division, unless otherwise exempted in this division, shall file a bond in the amount of one thousand dollars (\$1,000.00) with the application, either in cash, cashier's check, irrevocable letter of credit, surety bond, or certified check. The bond shall be conditioned to protect and save harmless the Board of Commissioners from all claims and damages for cleaning and repairing any county road. Any operation lasting longer or expected to last longer than thirty (30) days shall be subject to a separate bond.
- B.** Where county records show that the operator has violated this article in the past, the county may, if it desires, agree to issue a permit but require that the bond be increased up to a maximum of five thousand dollars (\$5,000.00) per operation.

4. Exemptions. Small and limited operations of less than (48) hours in duration, and using existing driveways may be exempted from the bonding requirements of this division, within the reasonable discretion of the Chairman of the Board of Commissioners, or his designee.

5. Release of Bond. Upon completion of the operations authorized by a permit issued under this division, and inspection by the Road Superintendent, at the request of the applicant, the bond shall be returned to the applicant subject to deductions for repairs that are reasonably required under this article and were not completed by the harvester.

6. Multiple Operations. A permit shall be required for each operation coming under the provisions of this article.

7. Denial. No permit required by this division shall be issued to any applicant who has failed to satisfy any bonding requirements imposed upon persons engaged in the kind of work or activity proposed to be done or has not satisfactorily completed repairs and clean-up from any previously permitted operation.

8. Display. It shall be the duty of any permittee under this division to post the permit issued to the applicant in a conspicuous place at the active entrance to the public road. It shall be unlawful for any person to exhibit a permit at or about any location not covered thereby, or to misrepresent the number of the permit or the date of the expiration of the permit.

9. Cessation of Operations; Release of Liability. Upon completion of operations under this article, the operator shall give written or oral notification to the Chairman of the Board of Commissioners, or his designee. The site shall be inspected by the Road Superintendent and the Commissioners' office shall provide notice of release of liability to the operator within ten (10) days of notification of completion.

CHAPTER 23: RESERVED

CHAPTER 24: RESERVED

CHAPTER 25: RESERVED

CHAPTER 26: RESERVED

CHAPTER 27: RESERVED

CHAPTER 28: RESERVED

CHAPTER 29: RESERVED

PART IV: GENERAL GOVERNMENTAL REGULATIONS

CHAPTER 30: ANIMALS

ARTICLE I: DANGEROUS DOGS

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ARTICLE II. RABIES CONTROL

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ARTICLE I. DANGEROUS DOGS

Section 30-101 Definitions

1. The following words, terms, and phrases shall have the meanings ascribed to them in Georgia Law *O.C.G.A.* § 4-8-20 through *O.C.G.A.* § 4-8-45, except where context clearly indicates a different meaning.
 - A. **Abandonment.** The act of losing a dog, or disposing of a dog, or leaving a dog behind and making no attempt to retrieve it; or by any other act manifesting a complete disclaimer of ownership of a dog.

- B. Dog Control Officer.** Shall refer to the Oglethorpe County Code Enforcement Officer, certified local law enforcement officers, or any person(s) so designated by the Chairman of the Board of Commissioners to perform the duties of enforcing this Ordinance and to perform the duties of Dog Control Officer(s).
- C. Dangerous Dog Ordinance.** This Ordinance may be referred to by such short title.
- D. Dangerous Dog.** Any dog that, according to the records of an appropriate authority:

 - (1) Inflicts a severe injury on a human being or domesticated animal without provocation on public or private property at any time after this Ordinance has been approved and executed; or
 - (2) Aggressively bites, attacks, or endangers the safety of humans or domesticated animals without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.
- E. Dog Control Board.** The Dog Control Board shall consist of the Dog Control Officer, a local veterinarian, and a designee or designees from the Oglethorpe County Board of Health.
- F. Guard Dog.** Any dog which has been trained by a recognized training facility to attack persons or other animals independently or upon command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which it is located. A recognized training facility shall be deemed to mean any person, partnership, company or corporation holding a state kennel license for either of the above purposes.
- G. Leash.** A cord or strap designed for and of sufficient strength to hold animal in check.
- H. Owned Dog.** Any dog will be considered owned if any of the following are present:

 - (1) Someone claiming and having proof of Ownership.
 - (2) Active microchip.
 - (3) Collar with current identification or current rabies tag.
 - (4) Signs of recent care, health, training and /or disposition.
 - (5) Has resided in the care of a Person for more than 72 hours.
- I. Owner.** Any person or legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, giving care or having custody or control of a domesticated dog, potentially dangerous, dangerous, or vicious dog. This shall include any person hired or acting as custodian of the dog for its owner.
- J. Potentially Dangerous Dog.** Any dog that without provocation bites a human being or domesticated animal on public or private property at any time after this Ordinance has been approved and executed; or any dog that chases or approaches a human being or domesticated animal upon the street, sidewalks or any other public and private property in a vicious or terrorizing manner with an apparent attitude of attack. The following shall be excluded from the definition:

 - (1) A dog shall not be a potentially dangerous dog within the meaning of this definition if the injury inflicted by the dog was sustained by another dog or cat that, at the time, was not under control as defined in this section.
- K. Proper Enclosure.** An enclosure for keeping a dangerous dog, potentially dangerous dog, or vicious dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and 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.
- L. Records of Appropriate Authority.** Records of any federal, state, county, or municipal law enforcement agency, animal control agency, board of health, court, or records of a dog control officer as provided by this Ordinance.
- M. Severe Injury.** Any unprovoked physical injury to a human or domesticated animal that results in broken bones, disfiguring lacerations requiring multiple sutures or cosmetic injury, or a physical injury that results in death.
- N. Stray Dog.** Any dog will be considered stray, in the absence of signs of an Owned Dog, if any of the following are present:

 - (1) Signs that dog has received adequate care in the past but is not being cared for currently.
 - (2) Characteristics consistent with being adequately socialized.
 - (3) Collar without current identification or current rabies tag.
- O. Veterinarian.** Any person who holds a license to practice veterinary medicine in the State of Georgia.

P. Vicious Dog.

- (1) Shall refer to any dog that inflicts a severe injury on a human being without provocation after the owner has notice that the dog has previously bitten or attacked or endangered the safety of a human being at any time after this Ordinance has been approved and executed; or
- (2) A dog shall not be a vicious dog if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort, tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.
- (3) Such term shall not include a dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties. (Code 1981, § 4-8-41, enacted by Ga. L. 2006, p. 472, § 1/HB 1497; Ga. L. 2008, p. 114, § 2-1/HB 301.)

Section 30-102 Dog Control Officer

Pursuant to *O.C.G.A.* § 4-8-22, the duties of the Dog Control Officer shall refer to the Oglethorpe County Code Enforcement Officer or any person so designated by the Chairman of the Board of Commissioners of Oglethorpe County. The duty of the Officer shall be to enforce the Dangerous Dog Ordinance and any other ordinances identified by the County.

Section 30-103 Duties of the Dog Control Officer

It shall be the duty of the Dog Control Officer(s) to make such investigations and inquiries as maybe necessary to identify dangerous, potentially dangerous, and vicious dogs and the owners thereof within the unincorporated areas of the county, and within the incorporated areas of the county, upon adoption of the Ordinance and administrative agreements by local governments which are consistent with the service delivery strategy of Oglethorpe County, and to otherwise enforce the provisions of this Ordinance. These officers shall be vested with the authority to investigate any violations of this Ordinance, and may also call upon such other officers, constables and employees of the Magistrate's Office, Code Enforcement Office or the Sheriffs Department of Oglethorpe County as may be necessary for the enforcement of this Ordinance and for the issuance of citations.

Dog Control Officers shall be authorized to enforce the provisions of this Ordinance upon receipt of a credible report of a violation of this Ordinance, in written or oral form, from a law enforcement officer, 911 dispatcher, Board of Health, rabies control officer, or citizen. Appropriate records of complaints and the results of the ensuing investigation shall be kept by the investigating officer.

The Dog Control Officers may enter onto private property to carry out their duties under this Ordinance under the following circumstances: (a) with permission of the property owner or other person in lawful possession of the property; (b) with and in accordance with a warrant lawfully issued by the Magistrate Court of Oglethorpe County; or © without permission or warrant only if such entry is necessary because of an immediate endangerment to human life or an imminent threat of the destruction of evidence.

It shall also be the responsibility of the Dog Control Officer(s) to enforce *O.C.G.A.* § 4-8-20 through § 4-8-45 relating to dangerous dogs and *O.C.G.A.* § 31-19-3, § 31-19-5, § 31-19-10 relating to rabies inoculation.

Section 30-104 Complaints

When for any reason any person regarding any matter governed under this Ordinance contacts the Code Enforcement Officer, the Dog Control Officer, any employee of the Local Government, or a constitutional officer of Oglethorpe County, Georgia, they shall furnish their name, address and telephone number.

Section 30-105 Identification and Inoculation

It shall be unlawful for any person to own, possess or maintain any dangerous, potentially dangerous, and vicious dog that does not have a current rabies inoculation, and all such dogs shall wear a securely attached collar about its neck displaying such current rabies tag and owner identification and contact information.

In the event any potentially dangerous, dangerous, or vicious dog or any other dog, as required by Georgia State law to possess a current rabies vaccination, is involved in any type of physical confrontation with a human being or another animal, the owners of such animals shall be prepared to present documentation of current vaccinations upon request of the Dog Control Officer.

It shall be the duty of any person bitten by any animal reasonably suspected of being rabid to immediately notify the Oglethorpe County Board of Health. It shall be the duty of the owner, custodian, or person having possession and knowledge of any animal which has bitten any person or animal or of any animal which exhibits any signs of rabies to notify the Oglethorpe County Board of Health or its designee and to confine or destroy such animal in accordance with rules and regulations of the Oglethorpe County Board of Health. (O.C.G.A. § 31-19-3; § 31-19-5; § 31-19-10)

Any person who violates any provision of this chapter or any rule or regulation adopted pursuant thereto shall be guilty of a misdemeanor. (O.C.G.A. § 31-19-10)

Section 30-106 Classification of Potentially Dangerous, Dangerous Dogs and Vicious Dogs; Notice to Owner Required

When a potentially dangerous, dangerous, or vicious dog is classified as such, or when a potentially dangerous dog is reclassified as a dangerous dog, or a dangerous dog is reclassified as a vicious dog the Dog Control Officer shall notify the owner of the dog of such classification. Such notice shall be in writing and mailed by certified mail to the owner's last known address. Such notice shall be complete upon mailing (Code 1981, § 4-8-23, enacted by Ga. L. 1988, p. 824, § 2; Ga. L. 1989, p. 159, V 2; Ga. L. 2000, p. 1589, § 3.) and shall contain, at a minimum, the following items:

1. A summary of the Dog Control Officer's findings that formed the basis for the dog's classification or reclassification;
2. The date of classification and a statement that the owner has fifteen (15) days to request a hearing on the Dog Control Officer's determination;
3. A statement that the hearing, if requested, shall be before the Dog Control Board;
4. A hearing request before the Dog Control Board can be made either in writing or orally and a date and time will be assigned to the requesting person(s).
5. A statement that, if a hearing is not requested, the Dog Control Officer's determination will become effective for all purposes under this Ordinance on a date specified in the notice, which shall be the first day after the last day on which the owner has a right to request a hearing.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a potentially dangerous, dangerous, or vicious dog within the meaning of this Ordinance. A dog shall not be a dangerous dog, potentially dangerous dog, or vicious dog within the meaning of this Ordinance if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort or was tormenting, abusing, or assaulting the dog or had in the past been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. (Code 1981, § 4-8-41, enacted by Ga. L. 2006, p. 472, § 1/HB 1497; Ga. L. 2008, p. 114, § 2-1/HB 301.)

Section 30-107 Liability of Owner

1. **Owner of a Potentially Dangerous, Dangerous, or Vicious Dog.** The notice procedures provided for in this Ordinance are not essential conditions for the enforcement of the provisions of this Ordinance. The owner of a potentially dangerous, dangerous, or vicious dog is held to know that such dog is potentially dangerous, dangerous, or vicious if the dog has, at any time, displayed one or more of the behaviors described in the definitions of Dangerous Dog, Potentially Dangerous Dog, or Vicious Dog as provided in this Ordinance.
2. **Owner of a Dog Pending a Hearing.** Upon notification of a classification as set forth in Section 30-106 of this Ordinance it is the responsibility of the owner of the dog to:
 - A. Immediately confine the dog. While on the owner's property, confinement shall mean either securely confined indoors or in a securely enclosed and locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and 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.

- B. Notify the Dog Control Officer within twenty-four (24) hours if the dog is on the loose, is unconfined, has attacked a human, has died, or has been sold or donated. If the dog has been sold or donated, the owner shall also provide the Dog Control Officer with the name, address, and telephone number of the new owner of the dog (*O.C.G.A. § 4-8-25*).
 - C. Notify the Dog Control Officer if the owner is moving from the Dog Control Officer's jurisdiction.
3. **Residency.** The owner of a dangerous dog or potentially dangerous dog who is a new resident of the State of Georgia shall register the dog with the Dog Control Officer within thirty (30) days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves within the State of Georgia from outside Oglethorpe County to Oglethorpe County shall register the dangerous dog or potentially dangerous dog with the Dog Control Officer within ten (10) days after becoming a resident of Oglethorpe County.

Section 30-108 Hearings; Presiding Body and Procedure

- 1. When a request is received for a hearing as provided in Section 30-105, the Dog Control Officer shall schedule such hearing within thirty (30) days after receiving the request. At the hearing the owner of the dog shall be given the opportunity to present evidence, and the Dog Control Board shall receive such other evidence as they may find reasonable to make a determination either to sustain, modify, or overrule the Dog Control Officer's determination. Within ten (10) days of the hearing, the Dog Control Officer shall notify the dog owner in writing by certified mail of its determination on the matter. (*Code 1981, § 4-8-24, enacted by Ga. L. 1988, p. 824, § 2; Ga. L. 2000, p. 1589, § 3.*)
- 2. No monies or contracts shall be expended by or entered into by the Dog Control Officer without the previous consent of the Chairman of the Board of Commissioners.

Section 30-109 Certificate of Registration Required

- 1. It shall be unlawful for a dog owner to possess within the unincorporated areas of Oglethorpe County and applicable incorporated areas as defined in Section 30-103, a potentially dangerous, dangerous, or vicious dog without a certificate of registration issued in accordance with the provisions of this Ordinance (*O.C.G.A. § 4-8-25*). Such certificate shall be issued annually to the owner of a dangerous, potentially dangerous or vicious dog by the Dog Control Officer if the owner presents to the Dog Control Officer sufficient evidence of:
 - A. A proper enclosure to confine the dangerous, potentially dangerous or vicious dog (*O.C.G.A. § 4-8-26, § 4-8-41(4)*);
 - B. The proper posting of the premises where a potentially dangerous, dangerous, or vicious dog is located with a clearly visible sign warning of such a dog on the property and containing a symbol designed to inform children of the presence of a potentially dangerous, dangerous, or vicious dog (*O.C.G.A. § 4-8-25*);
 - C. An insurance policy in the amount of at least fifteen thousand dollars (\$15,000.00) per occurrence issued by an insurer authorized to transact business in this state insuring the owner of the potentially dangerous, dangerous, or vicious dog against liability for any personal or property damages inflicted by the potentially dangerous, dangerous, or vicious dog (*O.C.G.A. § 4-8-25*); and
 - D. A surety bond in the amount of fifteen thousand dollars (\$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 potentially dangerous, dangerous, or vicious dog (*O.C.G.A. § 4-8-25*);

Section 30-110 Annual Registration Fee

An annual registration fee in the amount of one hundred dollars (\$100.00) shall be charged by Oglethorpe County, in addition to any regular dog licensing fees, to defray the cost to register the potentially dangerous, dangerous, or vicious dog as required in this Ordinance. (*Code 1981, § 4-8-25, enacted by Ga. L. 1988, p. 824, § 2; Ga. L. 1989, p. 159, § 3; Ga. L. 1989, p. 1552, § 15.*)

Section 30-111 Guard Dogs

It shall be the duty of the owner, tenant, or custodian of any property on which a guard dog is kept for security purposes to post a notice in a conspicuous location on such property. Such notice shall consist of the words "Warning-Guard Dog," and shall be in clearly distinguishable block letters not less than five inches in height and one inch in width and containing a symbol designed to inform children of the presence of a guard dog. If a guard dog is confined within a fenced area, such notice must be conspicuously posted at every entrance and exit of such fence.

Section 30-112 Disposition of Dogs Found to be in Violation

Any dog in violation of this Ordinance may be taken to the Madison/Oglethorpe County Animal Shelter or any other animal shelter facility sanctioned by Oglethorpe County. It shall be the duty of the Dog Control Officer to notify the owner, if known or can be reasonably ascertained, of every dog impounded, by telephone or by mail, as quickly as possible after the impoundment. The owner shall be liable for all costs and fees associated with the dog's care and confinement.

Any animal that is known to have bitten or scratched a person shall be confined for the purposes of rabies observation to the Madison/Oglethorpe County Animal Shelter, to a veterinary facility or to such other facility as may be directed by the county health department for a period of (10) ten days after the date of the bite or scratch. All expenses incurred for such confinement and observation shall be paid by the owner of such animal.

The Dog Control Officer shall be authorized to order the owner of any dog that is known to have bitten a person or to have caused severe injury or death to another dog or cat to submit the dog for rabies observation to the Madison/Oglethorpe County Animal Shelter, to a veterinary facility or to such other facility as may be approved by the county health department. All expenses incurred for such confinement and observation shall be paid by the owner of such animal.

Section 30-113 Redemption of Impounded Dogs

1. The owner of any impounded dog will be responsible for any and all impoundment costs and the cost of a rabies inoculation if the dog does not display a current rabies tag or if the owner cannot provide proof of rabies inoculation. The fees referenced herein shall be established by the facility at which the dog was impounded. The owner can, when all associated costs are paid, and all applicable regulations under Section 30-109 of this Ordinance are met, redeem his dog from this facility. In the event the owner has not complied with the provisions of this article within three (3) days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner. (Code 1981, § 4-8-27, enacted by Ga. L. 1988, P. 824, § 2.)
2. Any potentially dangerous, dangerous, or vicious dog that has been confiscated under the Section 30-111 of this Ordinance shall be returned to its owner upon the owner's compliance with the provisions of Section 30-109 and upon the payment of reasonable confiscation costs including all impoundment costs and the cost of a rabies inoculation if the dog does not display a current rabies tag or if the owner cannot provide proof of rabies inoculation. The fees referenced herein shall be established by the facility at which the dog was impounded. In the event the owner has not complied with the provisions of this article within three (3) days of the date the dog was confiscated, said dog shall be euthanized in an expeditious and humane manner. (Code 1981, § 4-8-27, enacted by Ga. L. 1988, P. 824, § 2.)

Section 30-114 Confiscation of Dangerous, Potentially Dangerous or Vicious Dog

1. Vicious Dog. A vicious dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:
 - A. Vicious dog is not maintained in a proper enclosure; or
 - B. Vicious dog is outside a proper enclosure and not restrained by a leash and under the physical restraint of a responsible person.
 - C. Any dog that has been confiscated under the provisions of this Section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within 40 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

2. **Dangerous Dog.** A dangerous dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:
 - A. Owner of the dog does not secure the liability insurance or bond required by O.C.G.A. §4-8-25;
 - B. Dog is not validly registered as required by O.C.G.A. §4-8-25;
 - C. Dog is not maintained in a proper enclosure; or
 - D. Dog is outside a proper enclosure in violation of O.C.G.A. §4-8-26(a).
3. **Potentially Dangerous Dog.** A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:
 - A. Not validly registered as required by O.C.G.A. §4-8-25;
 - B. Not maintained in a proper enclosure; or
 - C. Outside a proper enclosure in violation of O.C.G.A. §4-8-26(b).

Any dog that has been confiscated under the subsection 2 or 3 of this section shall be returned to its owner upon the owner's compliance with the provisions of O.C.G.A §4-8-20 et. seq. this article, and upon the payment of reasonable confiscation costs. In the event the owner has not complied with the provisions of this article within 20 days of the date the dog was confiscated, said dog shall be destroyed in an expeditious and humane manner.

Section 30-115 Defense of Person or Property

Any person may defend his or her person or property, or the person or property of another, from injury or damage caused by a dog, in accordance with and to the extent permitted by O.C.G.A. § 4-8-5 which reads as follows:

1. **Cruelty to dogs; authorized killing of dogs.**
 - A. No person shall perform a cruel act on any dog; nor shall any person harm, maim, or kill any dog, or attempt to do so, except that a person may:
 - (1) Defend his person or property, or the person or property of another, from injury or damage being caused by a dog; or
 - (2) Kill any dog causing injury or damage to any livestock or poultry.
 - B. The method used for killing the dog shall be designed to be as humane as is possible under the circumstances. A person who humanely kills a dog under the circumstances indicated in subsection (1) of this Code section shall incur no liability for such death.
 - C. This Code section shall not be construed to limit in any way the authority or duty of any law enforcement officer, dog or rabies control officer, humane society, or veterinarian. (Ga. L. 1969, p. 831, § 5.)

Section 30-116 Abandonment of Dogs

1. **Abandonment of Dead Dogs -Upon Private Property.** No person shall intentionally abandon a dead dog on any private property belonging to another unless the person so doing shall have first obtained permission from the owner of the property on which the dog is being left and the provision of Code Section 4-5-3 are complied with in full. (O.C.G.A. § 4-8-1. Ga. L. 1969, p. 831, § 1.)
2. **Abandonment of Dead Dogs -Upon Public Property or Public Right of Way.** No person shall abandon a dead dog on any public property or public right of way unless the place in which the dog is being left is a public dump or other facility designed for receiving such and has been designated by the local governmental authorities as public facility for receiving trash or refuse and the provisions of Code Section 4-5-3 are complies with in full. (O.C.G.A. § 4-8-2. Ga. L. 1969, p. 831, § 2.)
3. **Abandonment of Dogs.** No person shall release a dog on any property, public or private, with the intention of abandoning the dog. (O.C.G.A. § 4-8-3. Ga. L. 1969, p. 831, § 3.)
4. **Penalty for Abandonment of Dogs.** Except as provided in O.C.G.A. Sections16-12-4 (Cruelty to animals), any person who violates any provision of this article shall be guilty of a misdemeanor with a minimum fine of five hundred dollars (\$500.00) or thirty (30) days confinement or both and/or community service. (Ga. L. 1969, p. 831, § 7; Ga. L. 1988, p. 824, § 1 ; GA. L. 2000, p. 754 § 3.)
5. **Reward for Information.** The Chairman of the Board of Commissioners may authorize a reward for information leading to the arrest of persons in violation of this Section.

Section 30-117 Records

It shall be the duty of the Dog Control Officer to keep and maintain current and accurate records of all activities and transactions of his position. Such records shall include but not be limited to incident reports, a description of each dog placed in custody; the date, time, and circumstances of impoundment or receipt of the dog; the date time, and circumstances of the disposition of the dog; all fees of every kind that are collected; any other such records that are deemed proper and necessary to provide an accurate accounting of the enforcement activities. Such records shall be retained by the Code Enforcement Officer for a period of not less than twelve (12) months and shall be open for public inspection at any time during normal business hours.

Section 30-118 Liability of County Officers, Agents and Employees

Oglethorpe County, and its officers, agents, and employees shall not be held responsible or liable for any accidents, diseases, injuries or deaths to any dog while being impounded or boarded in association with this Ordinance, nor for any action to enforce or failure to enforce the provisions of this Ordinance. It is hereby recognized that enforcement of this Ordinance requires the application of its provisions to specific factual circumstances, thus entailing the necessary application of discretion and judgment in all matters related hereto. (Code 1981, § 4-8-45, enacted by Ga. L. 2006, p. 472, § 1/HB 1497.)

Section 30-119 Severability

If any Section, paragraph, or any other part of this Ordinance is declared unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the validity of all other parts of this Ordinance which shall remain in full force and effect as if separately adopted.

Section 30-120 Repeal

Any existing ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 30-121 Violations

Any person that violates the provisions of this Ordinance shall be issued a citation for that violation to appear before the Magistrate's Court of Oglethorpe County and, upon conviction, shall be punished as provided in Section 30-122 of this Ordinance (O.C.G.A. § 4-8-43). Such a citation may be issued by the Code Enforcement Officer based upon his own personal knowledge or the report of the Dog Control Officer or any sworn officer possessing first-hand knowledge of the violation.

Section 30-122 Penalty for Violations

1. **Dogs with No Identification and/or No Evidence of Inoculation.** Except as provided for in Section 30-123 of this Ordinance, any person convicted of a violation of this section of the Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) for the first offense; a fine of not less than one hundred dollars (\$100.00) for the second offense; and a fine of not less than two hundred fifty dollars (\$250.00) for the third and subsequent offenses. Applicable court costs shall be levied in addition to any such fine imposed.
2. **Potentially Dangerous and/or Dangerous Dogs.** Except as provided for in Section 30-123 of this Ordinance;
 - A. The owner of a **dangerous dog** who violates the applicable provisions of this Ordinance shall be guilty of a misdemeanor of high and aggravated nature. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than five hundred dollars (\$500.00) shall be imposed and for a third or subsequent conviction a fine of not less than seven hundred fifty dollars (\$750.00) shall be imposed. Applicable court costs shall be levied in addition to any such fine imposed.
 - B. The owner of a potentially dangerous dog who violates the applicable provisions of the Ordinance shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for a second conviction a fine of not less than one hundred fifty dollars (\$150.00) shall be imposed and for a third or subsequent conviction a fine of not less than three hundred dollars (\$300.00) shall be imposed.

- C. If an owner who has a previous conviction for a violation of this Ordinance knowingly and willingly fails to comply with the provisions of this Ordinance, such owner shall be guilty of a felony if the owner's dangerous dog attacks or bites a human being under circumstances constituting another violation of this Ordinance. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) or by imprisonment for not less than one or more than five (5) years or by both such fine and imprisonment.
- D. An owner who knowingly and willfully fails to comply with the provision of this Ordinance shall be guilty of a felony if the owner's dangerous dog aggressively attacks and causes severe injury or death of a human being under circumstances constituting a violation of this Ordinance. The owner of a dangerous dog who is convicted for a violation of this subsection shall be punished by a fine of not less than five thousand dollars (\$5,000.00) or more than ten thousand dollars (\$10,000.00) or by imprisonment for not less than one or more than ten years or by both such fine and imprisonment.
- E. In addition to the penalties for violations under subsection © or (D) of this Ordinance section, the dangerous dog involved shall be immediately confiscated by the Dog Control Officer or by a law enforcement officer or another person authorized by the dog control officer and placed in quarantine for the proper length of time as determined by the County Board of Health, and thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner.
- F. No owner of a dangerous dog shall be held criminally liable under this Ordinance for injuries inflicted by said owner's dog to any human being while on the owner's property. (O.C.G.A. § 4-8-28; enacted by Ga. L. 1988, p. 824, § 2.)

3. Vicious Dogs.

- A. The owner of a vicious dog who violates applicable provisions of the Ordinance shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than three hundred dollars (\$300.00) shall be imposed and for a third or subsequent conviction a fine of not less than five hundred dollars (\$500.00) shall be imposed.
- B. If an owner who has a previous conviction for a violation of this Ordinance knowingly and willfully fails to comply with the provisions of this Ordinance, such owner shall be guilty of a misdemeanor of high and aggravated nature if the owner's vicious dog attacks, bites, causes severe injury, or causes the death of a human being under circumstances constitution another violation of this Ordinance.
- C. In addition to the penalties for violation under subsection (2) of this Ordinance section, the vicious dog involved shall be immediately confiscated by the Dog Control Officer or by a law enforcement officer or another person authorized by the dog control officer and placed in quarantine for the proper length of time as determined by the County Board of Health, and thereafter, the dangerous dog shall be destroyed in an expeditious and humane manner. (O.C.G.A. Code 1981 § 4-8-43; enacted by Ga. L. 2006, p. 472, § I/HB 1497.)

- 4. **Penalty for Abandonment of Dogs.** Except as provided in O.C.G.A. Sections 16-12-4 (Cruelty to animals) any person who violates any provision of this article shall be guilty of a misdemeanor with a minimum fine of five hundred dollars (\$500.00) or thirty (30) days confinement or both and or community service. (Ga. L. 1969, p. 831, § 7; Ga. L. 1988, p. 824, § 1; GA. L. 2000, p. 754 § 3.)

- 5. **Penalty for Cruelty to Dogs.** Per O.C.G.A. Section 4-8-7, any person who violates the provisions of Section 30-115 of this Ordinance pertaining to cruelty or inhumane killing of dogs while in defense of person or property shall be guilty of a misdemeanor. (Ga. L. 19639, p. 831, § 7; Ga. L. 1988, p. 824, § 1.)

Section 30-123 Obstruction of Officer

It shall be unlawful for any person to hinder, harass, interfere, or otherwise obstruct the performance of any Dog Control Officer in the official performance of his duties as provided for in this Ordinance. Any person convicted of a violation of this Section shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00) plus applicable court costs or by confinement in the county jail for a period not to exceed sixty (60) days or both such fine and confinement as authorized by O.C.G.A. § 15-10-60 et. seq.

(Adopted 11/14/2009)

**Oglethorpe County Animal Control Office
Animal Protection Section
Incoming Record Keeping Requirements – Animal Control**

Date _____ Type _____ Dealer License No. _____

ID Number _____

Name _____ Phone _____

Address _____

City _____ State _____ Zip _____

(Please check applicable box regarding disposition of animal)

Abandoned _____ Agency Transfer _____ Impound _____

Live Births _____ Owner Surrender _____ Stray _____ Veterinary Care _____

Animal Description: _____

Signature _____

Outgoing Record Keeping Requirements – Animal Control

Date _____ Type _____ Dealer License No. _____

ID Number _____

Name _____ Phone _____

Address _____

City _____ State _____ Zip _____

(Please check applicable box regarding disposition of animal)

Adoption _____ Agency Transfer _____ Deceased _____ Escaped/Stolen _____

Euthanized _____ Foster Homes _____ Owner Reclaim _____ Veterinary Care _____

Animal Description: _____

Signature _____

Comments _____

Oglethorpe County Animal Control/Code Enforcement
P. O. Box 403
Lexington, GA 30648
706.743.7262

_____, 2009

Dear Mr./Mrs./Ms. _____,

Enclosed please find a packet of information detailing the requirements that you must comply with concerning the classification of your potentially dangerous dog, _____. To recap, the steps you need to take are:

1. Proper enclosure as required and defined by O.C.G.A. 4-8-21.7.
2. Posting of the required warning sign defined by O.C.G.A. 4-8-25.2B.
3. Completed registration form and \$100.00 registration fee delivered to Oglethorpe County Animal Control, PO Box 403, Lexington, GA 30648 as defined in OCAC Ordinance, Section _____.

The deadline for completion of the named requirements is _____.
On this date an officer will inspect the enclosure and signage for compliance.

Should you fail to comply with the above stated requirements, a court appearance date of _____, 2009, at _____ p.m. has been scheduled. You will be required to appear in person and explain to Oglethorpe County Magistrate Court why these conditions have not been met.

Sincerely,

John Faz, Officer
Oglethorpe County Animal Control/Code Enforcement

OGLETHORPE COUNTY DOG CLASSIFICATION NOTICE

TO: _____ DATE _____

OFFICIAL NOTICE

You are hereby officially notified that the dog described below and belonging to you is classified by the Oglethorpe County Dog Control Officer as of this date to be

- ☐ DANGEROUS DOG
☐ POTENTIALLY DANGEROUS DOG

for the reasons set forth below. You have the right to appeal this classification decision to the _____ of Oglethorpe County.

DESCRIPTION OF DOG

Breed _____ Sex: ☐ Male ☐ Female

Color/Markings: _____

Name: _____ Rabies Tag Number: _____

Age: _____ Weight: _____ Other: _____

Tail: _____ Coat: _____ Ears: _____

REASONS FOR CLASSIFICATIONS

OGLETHORPE CERTIFICATE OF REGISTRATION

- ☐ DANGEROUS DOG
☐ POTENTIALLY DANGEROUS DOG
☐ VICIOUS DOG

DESCRIPTION OF DOG

Breed _____ Sex: ☐ Male ☐ Female
Color/Markings: _____ Tail (docked, etc.): _____
Coat (long hair, etc): _____ Ears (clipped, etc): _____
Name: _____ Rabies Tag Number: _____
Age: _____ Weight: _____ Other: _____

REQUIREMENTS FOR POTENTIALLY DANGEROUS AND DANGEROUS DOGS

- | | | |
|-----------------------------------|----------------------------------|---------------------------------|
| 1. Proper Enclosure for dog | (<input type="checkbox"/>) Yes | (<input type="checkbox"/>) No |
| 2. Posting of Warning Sign | (<input type="checkbox"/>) Yes | (<input type="checkbox"/>) No |
| 3. Registration fee \$ _____ paid | (<input type="checkbox"/>) Yes | (<input type="checkbox"/>) No |

REQUIREMENTS FOR DANGEROUS DOGS

- 1 Insurance company info: (min. \$15,000 policy per occurrence against liability for any personal or property damages)
a. Name: _____
b. Address: _____
c. Phone number: _____
d. Policy number: _____
2. Surety company info: (bond min. \$15,000 issued payable to any person or persons injured)
a. Name: _____
b. Address: _____
c. Phone number: _____
d. Policy number: _____

I agree to abide with all local and/or state laws regarding the keeping or maintaining of a potentially dangerous, dangerous dog, or vicious dog, whichever is applicable, in Oglethorpe County, Georgia. I understand that failure to comply with these laws is a criminal offense which could result in confiscation of my dog(s) and/or prosecution against me pursuant to the Ordinance For The Control, Regulation, And Distribution Of Dangerous Dogs and all applicable state laws. I understand that the Oglethorpe County Dog Control Officer is authorized to make whatever inquiries are necessary to ensure my compliance wit the law and therefore, I will allow the dog control officer upon my premises to verify my compliance with the law.

Name of Owner: _____

Date

Owner's Signature

APPEAL HEARING PROCEDURE

If you want to appeal the classification decision of the Dog Control Officer as set forth on the **DOG CLASSIFICATION NOTICE** you must do so within fifteen [15] days from the date of this official notice. If you do not request an appeal hearing, the decision of the Dog Control Officer shall be effective, for all purposes under the law, sixteen [16] days from the date of this official notice.

Should you decide to appeal, you will be notified in writing by certified mail of the date, time, and place of the hearing. This hearing will be scheduled within thirty [30] days after receiving your request. At the hearing you will be given the opportunity to testify and present evidence regarding the classification of your dog.

Once your dog has been finally classified as a dangerous or potentially dangerous dog, it must be registered with the Dog Control Officer. The annual registration fee is \$ _____. You must comply with all applicable requirements of law in order to continue to possess your dog. *Failure to comply with the law shall result in the confiscation and possible destruction of your dog as well as subjecting you to criminal liability.*

If you wish to appeal the classification decision on your dog, please detach and return the form below to: Code Enforcement/Animal Control, P. O. Box 403, Lexington, GA 30648

Respectfully,

Animal Control Officer
Oglethorpe County

APPEAL REQUEST

I HEREBY APPEAL THE DECISION OF THE DOG CONTROL OFFICER TO THE _____ OF OGLETHORPE COUNTY.

Date of decision: _____

Owner's Name - PLEASE PRINT: _____

Owner's Signature: _____

Owner's Address: _____

Owner's Phone: _____

OGLETHORPE COUNTY ANIMAL CONTROL
OFFICER FOLLOW-UP REPORT

Date: _____

Name: _____

Location: _____

Case Number: _____

In compliance with Officer's Instruction _____

Not in compliance with Officer's Instruction _____

Comments/Recommendations:

Signature: _____

OGLETHORPE COUNTY ANIMAL CONTROL
COURT RULING FOLLOW-UP REPORT

Date: _____

Name: _____

Location: _____

Case Number: _____

In compliance with Court Ruling _____

Not in compliance with Court Ruling _____

Comments/Recommendations:

Signature: _____

STATE OF GEORGIA }
 }
COUNTY OF OGLETHORPE }

NO RIGHT OF RESCISSION

I, _____, hereinafter known as Releaser,
do hereby release all of my ownership rights to the Oglethorpe County Animal
Control for an animal described as follows:

_____.

Releaser certifies that he/she is the owner of the above described animal.

Further, Releaser hereby releases any right of rescission he/she may
possess, either by common or statutory law, concerning the agreement to release
the above described animal.

SIGNED this _____ day of _____, 20 ____.

Releaser

STATE OF GEORGIA**COUNTY OF OGLETHORPE****RELEASE OF IMPOUNDED ANIMAL**

1. Oglethorpe County Animal Control did seize an animal at the physical location described as follows: _____

2. Animal is described as follows: _____

3. Animal did / did not (*Circle One*) have owner identification as follows: _____

4. Animal did / did not (*Circle One*) have proof of rabies vaccination.
ID Tag No. _____
5. Animal Control contacted _____ (*Person listed on animal ID*) on _____ (*Date*) to notify him / her (*Circle One*) concerning seizure.
6. Owner of the animal was identified as: _____
7. Animal was impounded for a total of _____ days / months (*Circle One*).
Total impound fee is \$ _____.
8. Animal was released to _____ (*Owner*)
on _____ (*Date*) by _____ (*Animal Control Officer*) after the payment of all fees associated with said seizure.

Owner: I hereby attest that I am the owner of the above described animal.

Animal Owner Signature

Print Name

Address

Phone

OGLETHORPE COUNTY ANIMAL CONTROL

LOST ANIMAL REPORT

Date: _____ Via: _____

Owner's Name: _____

Address: _____

City: _____

Telephone #: _____

Description of lost animal: Dog _____ Cat _____

Breed: _____ Male _____ Female _____

Color & Markings: _____

Spayed or Neutered: Yes _____ No _____

Was animal wearing a collar & tag? Yes _____ No _____

Color _____ Type _____ Rabies Tag # _____

ID Tag Information _____

Date missing: _____

Last known location of animal: _____

Oglethorpe County Animal Control
P.O. Box 403
Lexington, GA 30648
706-743-7262

Animal Trap Sign In/Sign Out Form

Type of Trap: _____ Dog _____ Cat

Pick up Date: _____

Name: _____

Address: _____

Phone: _____

Signature: _____

Notice: *Person receiving this animal trap assumes all liabilities for any accidents and damages, and agrees not to hold Oglethorpe County or its designees liable.*

Return Date: _____ Method of Return _____

Oglethorpe County Animal Control
P.O. Box 403
Lexington, GA 30648
706-743-7262

Animal Trap Sign In/Sign Out Form

Type of Trap: _____ Dog _____ Cat

Pick up Date: _____

Name: _____

Address: _____

Phone: _____

Signature: _____

Notice: *Person receiving this animal trap assumes all liabilities for any accidents and damages, and agrees not to hold Oglethorpe County or its designees liable.*

Return Date: _____ Method of Return _____

OGLETHORPE COUNTY ANIMAL BITE REPORT

Report Date: _____ Recheck Date: _____

Reporting person/Agency: _____

Patient Information

Person Bitten: _____

Phone Number: _____ Age: _____ Sex: _____

Address: _____

Source of Information/Relationship: _____

Location/Type of Injury: _____

Animal Information

Date of Bite: _____ Accidental _____ Provoked _____ Unprovoked _____

Biting Animal: _____ Domestic Pet _____ Domestic Stray _____ Feral/Wild _____

Domestic Animal: Cat _____ Dog _____ Ferret _____ Goat _____ Horse _____ Other: _____

Vaccination Status: Yes _____ No _____ Unknown _____

Vaccination Date: _____ Tag Number: _____

Feral/Wild Animal: Bobcat _____ Coyote _____ Raccoon _____ Skunk _____ Other: _____

Description of Animal: _____

Circumstances of Bite: _____

Disposition of Animal: _____

Owner Information

Name: _____ Phone: _____

Address: _____

Comments/Referred to: _____



**Issued _____ by Oglethorpe County Animal Control.
This notice must remain visible to the public. O.C.G.A. 4-8-25.2A**

ARTICLE II. RABIES CONTROL

Section 30-201 Title

Rabies Control Rules and Regulations of Oglethorpe County.

Section 30-202 Legal Authority

Pursuant to the authority vested in the Oglethorpe County Board of Health under O.C.G.A. Title 31, Chapter 3 and more particularly by Chapter 19, the Oglethorpe County Board of Health adopts the following Rules and Regulations for the control of rabies within said county.

Section 30-203 Purpose

To prescribe Regulations for the prevention, control and reporting of rabies within Oglethorpe County by providing for the vaccination, tagging, and certification of dogs, cats and ferrets; the confinement or other disposition of dogs, cats, ferrets and other animals; to specify reporting procedures, quarantine measures; and to establish a rabies control officer.

Section 30-204 Definitions

The following terms as used in this Regulation shall have the meanings hereinafter respectively ascribed to them.

1. **"Board"** means the Oglethorpe County Board of Health, State of Georgia.
2. **"Cat"**. The word "cat" shall mean *Felis domesticus* of either sex, vaccinated or not vaccinated against rabies.
3. **"Certificate"**. The word "certificate" shall mean the National Association of State Public Health Veterinarians Form NASPHV# 51, "Rabies Vaccination Certificate" or any other forms containing the same information approved by the Board.
4. **"Department"** means the Department of Community Health, State of Georgia.
5. **"Director"** means the Chief Executive of the Oglethorpe County Board of Health as defined in O.C.G.A. Title 31, chapter 3, or in his absence, subject to approval of the Board, a member of said Board appointed by the Chairman for the purposes enumerated herein.
6. **"Dog"**. The word "dog" shall mean *Canis familiaris*, of either sex, vaccinated or not vaccinated against rabies.
7. **"Exposure"**. The word "exposure" shall mean the introduction or possible introduction of the rabies virus into bite wounds or open cuts in skin or onto mucous membranes. There are two categories of exposure, bite and non-bite:
 - A. Bite: Any penetration of the skin by the teeth of an animal.
 - B. Non-bite: The contamination of open wounds, abrasions, mucous membranes, or scratches with saliva or other potentially infectious material (such as neural tissue) from any rabid animal.
8. **"Ferret"**. The word "ferret" shall mean *Mustela putorius furo*, of either sex, vaccinated or not vaccinated against rabies.
9. **"Owner"** means any person having a right of property in a dog, cat, ferret or other domesticated animal, and any person who permits a dog, cat, ferret or other domesticated animal to remain on his or her premises for more than three (3) days.
10. **"Person"**. The word "person" shall mean any individual, firm, caretaker, corporation, partnership, municipality, county, society, or association.
11. **"Rabies Vaccination Tag"**. The term "Rabies vaccination tag" shall mean a tag meeting the Standard Tag System for year, color and shape determined by the National Association of State Public Health Veterinarians, furnished by the veterinarian, for vaccinated dogs, cats and ferrets, and to be worn by the vaccinated animal as specified in Section 30-205(3). The tag shall include the veterinarian's or clinic's name and phone number on it.
12. **"Stray"** means any unregistered and/or unattended animal off the premises of its owner with no identification tags or marked collars.
13. **"Vaccine"**. The word "vaccine" shall mean an injectable material containing inactivated or attenuated rabies virus, licensed by the United States Department of Agriculture, Biological Control Section and approved by the Georgia Department of Community Health. Vaccine used for the purposes of this regulation shall be stored at the temperature prescribed on the package label. Outdated vaccine or vaccine showing any signs of spoilage or appearing otherwise unfit for producing immunity against rabies shall not be used.

14. **"Vaccinate" - "Inoculate"**. The words "vaccinate" and "inoculate" shall mean the injection of antirabic vaccine by a veterinarian into the proper site of the animal. The injected dose shall be in accordance with the amount and schedule prescribed by the manufacturer's instructions.
15. **"Veterinarian"** The word "veterinarian" shall mean any person who holds a license to practice the profession of veterinary medicine in the State of Georgia.

Section 30-205**Provisions**

1. **Vaccination of Dogs, Cats, and Ferrets.** The owner of a dog, cat, or ferret three (3) months old or older shall cause such dog, cat, or ferret to be vaccinated against rabies as defined by this Article, and if such dog, cat, or ferret is less than one year of age upon vaccination, it shall be revaccinated at least one (1) year from the date of the original vaccination. When dogs or cats one (1) year of age or older are vaccinated with a vaccine approved by the Department as providing three (3) year protection, such animals shall be revaccinated within three (3) years. When other approved vaccines are used, yearly inoculations shall be required for dogs, cats, and ferrets.
2. **Certificate of Vaccination.**
 - A. Any veterinarian is authorized and required in connection with his or her practice to issue certificates of vaccination and vaccination tags. Evidence of vaccination shall consist of a certificate of vaccination signed by the veterinarian administering the vaccine.
3. **Vaccination Tags.**
 - A. Coincident with the issuance of the certificates of vaccination, the veterinarian shall also furnish to the owner of the vaccinated dog, cat, or ferret a serially numbered tag meeting the Standard Tag System, bearing the same number and year thereon as the certificate bears.
 - B. The tag shall be securely attached by the owner to the collar or harness worn by the dog for which the certificates and tags have been issued.
 - C. In lieu of a cat or ferret wearing a vaccination tag, the owner of a cat or ferret shall be required, upon request of the Oglethorpe County Health Department or Oglethorpe County Animal Control, to provide a copy of the animal's certificate of vaccination as proof of current vaccination.
4. **Clinics.**
 - A. When there are no veterinarian sponsored public clinics provided, the Board is authorized to operate or cause to be operated county sponsored clinics for the vaccination of dogs, cats, and ferrets against rabies.
 - B. Vaccination shall be performed by a licensed veterinarian.
 - C. Vaccination fee for such clinics shall be predetermined by the Board. Public notice of the schedule of the clinics shall be given in advance of the first clinic appearing on the schedule. Such notice shall include the day, the hour, the place, and the vaccination fee.
5. **Rabies Control Officer.**
 - A. Unless otherwise directed by the Board, an employee of the Oglethorpe County Health Department shall be the Rabies Control Officer.
 - B. The duties of the Rabies Control Officer are:
 - (1) To investigate and maintain a record of animal bites in the county.
 - (2) To insure proper confinement or other disposition of an animal involved in a bite; or if the animal is dead or killed, to submit the animal's head for laboratory examination if required.
 - (3) To enforce proper disposition of animals exposed to known rabid animals.
 - (4) To assist, as needed, in the planning and coordination of Rabies Vaccination Clinics.
 - (5) Such other duties necessitated by these rabies control regulations or as ordered by the Director.
6. **Confinement and Disposition of Dogs, Cats, Ferrets and Other Animals Involved in Bites or Having Contact with Suspected or Known Rabid Animals.**
 - A. The Rabies Control Officer will maintain enforcement of all regulations pertaining to the confinement or other appropriate disposition of dogs, cats, ferrets or other animals.
 - B. The owner of any dog, cat, ferret, or other animal as specified in this section shall confine, cause to be confined or shall dispose of such animal as prescribed herein:
 - (1) A healthy dog, cat or ferret, whether vaccinated or not, which has bitten a person or other domestic animal shall be confined for a period of ten (10) days following the date of the bite. However, in the case of wild animals and domesticated wild animals for which no safe confinement period has been established, or in the case of feral dogs or cats, or by consent of owner for owned

dogs or cats, the animal shall be humanly euthanized, decapitated and its brain tissue analyzed for indication of rabies.

- (2) A dog, cat, ferret or other animal, whether vaccinated or not, having signs suggestive of rabies, as described by George M. Baer in the Natural History of Rabies, 2nd Edition, CRC Press, 1991, shall be confined and kept in isolation until its death, and otherwise released only when symptoms have disappeared as adjudged by a veterinarian. However, if confinement is not appropriate or practical, the animal shall be humanly euthanized and its brain tissue analyzed for evidence of rabies.
- (3) Any healthy dog, cat, ferret or other animal for which rabies vaccination effectiveness has been established and having a current vaccination at least twenty-eight (28) days prior to being exposed to a potentially rabid animal, shall be revaccinated and then confined in a manner approved by the Director for forty-five (45) days; thereafter, it shall be released to the owner if the animal exhibits no signs of rabies as adjudged by a veterinarian.
- (4) A dog, cat, ferret or other animal which has not been vaccinated or which was not vaccinated at least twenty-eight (28) days prior to being exposed to a potentially rabid animal shall be immediately humanly euthanized or if the owner is unwilling to destroy the exposed animal it shall be confined in strict isolation in a location approved by the Director for a period of six (6) months. The confined animal must be vaccinated by a veterinarian five months after the bite.

7. **Establishment of Infected Area Quarantine.** Whenever the Department of Community Health may declare Oglethorpe County or any area within an "infected area" pursuant to O.C.G.A. Title 31, Chapter 19, Sec.2, then every dog, cat or ferret in said infected area shall be quarantined and confined to the owner's or custodian's premises during the entire period of time for which said declaration of the Department is in effect.

8. **Confinement Area or Facility.**

- A. Confinement area or facility to which a dog, cat, ferret or other animal is confined in compliance with the provisions of this Regulation shall be an animal shelter, kennel, animal hospital, or such other place as designated by the Director, or in certain cases may be a private residence as specified in subsections B. and D. of this section.
- B. A dog, cat or ferret which has a current vaccination certificate and which has bitten a person or other animal may be confined to the owner's residence for ten (10) days following the bite. It shall be the owner's responsibility to provide proof of vaccination. Where residential confinement is allowed the owner shall confine such animal to a fenced-in area, an enclosed outbuilding, or in the owner's personal dwelling in such a manner as to prevent contact between the confined animal and other animals or persons other than the owner.
- C. Unless otherwise authorized by the Director, unvaccinated biting animals and animals to be confined as prescribed in Sections 30-205(B)(2) and (4) herein shall be confined in an animal shelter, kennel or animal hospital at the owner's expense. Such facility shall provide for the following:
 - (1) Construction and management which will keep the animal dry, clean, prevent its escape and prevent its contact with both people and other animals.
 - (2) A method and procedure for the identification of the animal and the recording of the date of its admission to the area or facility.
 - (3) Assurance that the animal will have safe and adequate water and food.
 - (4) Adequate space for the animal's exercise.
 - (5) Protection against excessive cold and heat.
 - (6) Space, cages, pens and other necessary equipment to isolate the animal for its protection against injury and infectious diseases.
- D. Unless ordered otherwise by the Director, animals to be confined as prescribed in Section 30-205 (6)(B)(3) herein may be kept under the owner's control and observed at the owner's residence for forty-five (45) days. The animal shall not be permitted to roam freely and must be restricted to leash walks, if applicable. At the first sign of illness or behavioral change in the animal, the Oglethorpe County Health Department shall be notified immediately and the animal shall be evaluated by a veterinarian.

9. **Animal Impoundment and Control.**

- A. Any dog, cat or ferret less than three months old shall be confined to the owner's premises or kept on a leash.
- B. The owner of any dog, cat or ferret brought into Oglethorpe County for a permanent stay from outside the county shall cause such dog, cat or ferret to be vaccinated in accordance with these Rules and Regulations except, however, that when the owner of such dog, cat or ferret produces evidence satisfactory to the Director that such dog, cat or ferret has been vaccinated in a manner and by procedures

comparable to the requirements of this Regulation, then an Oglethorpe County certificate of vaccination and a vaccination tag may be issued in lieu of revaccination.

- C. Any dog, cat or ferret brought into Oglethorpe County on temporary stay not exceeding fourteen (14) days shall be confined or on a leash at all times.
- D. Any dog, cat, ferret or other animal running at large may be impounded in a manner specified by the city and county governing bodies. If the animal bears a vaccination tag, a reasonable effort to locate the owner shall be made. Any unvaccinated dog, cat or ferret which is reclaimed by its owner or adopted during the period of impoundment shall be vaccinated against rabies as required by these regulations within seventy-two (72) hours of release. Any vaccinated dog, cat or ferret impounded because of lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and by compliance with impoundment regulations prior to release.

10. Reporting.

- A. The owner or custodian of any animal having signs suggestive of rabies, as described by George M. Baer in the Natural History of Rabies, 2nd Edition, CRC Press, 1191, shall confine the animal and immediately notify the Director, reporting any information regarding any person or animal bitten or attacked by said animal.
- B. Any person bitten by a dog, cat, ferret or other animal or any owner of a dog, cat, ferret or warm blooded animal which has bitten a person shall report the bite to the Oglethorpe County Health Department within twenty-four (24) hours giving all known information relevant to an investigation of the incident by the Rabies control Officer.
- C. Physicians or other medical personnel including those responsible for hospital emergency rooms shall report incidences of animal bites or scratches treated by them to the Oglethorpe County Health Department within twenty-four (24) hours.
- D. The Director shall report accumulated data relating to rabies in Oglethorpe County to the Department when in his opinion rabies is prevalent or likely to become prevalent to the extent that quarantine procedures are indicated.

Section 30-206 Enforcement

The enforcement of these Rules and Regulations shall be in accordance with *O.C.G.A.* Title 31, Chapter 3, and Chapter 16 as amended and with the Rules of Practice and Procedure of the Oglethorpe County Board of Health.

Section 30-207 Violation

Any person charged with violation of this ordinance shall be tried in the magistrate's court of Oglethorpe County, in accordance with the provisions of this ordinance, *O.C.G.A.* § 15-10-4 and other applicable law.

Prosecutions for such violations shall be upon citations issued and personally served upon the accused violator by the sheriff, any deputy so personally served upon the accused violator by the sheriff, any deputy so authorized by the sheriff, or any other person authorized by the Board of Commissioners.

Section 30-208 Penalties

Any person convicted of violation of this ordinance may be punished by the imposition of a fine, not to exceed one thousand dollars (\$1,000.00), by imprisonment in the county jail for a period of time not to exceed sixty (60) days, or by such fine and imprisonment.

(Adopted 9/13/2010)

CHAPTER 31: GENERAL OFFENSES

Section

31-101	Interference with Government Property
31-102	Criminal Trespass
31-103	Alcoholic Beverage Possession on County Property
31-104	Ordinance to Regulate the Use of Public Rights of Way for Festivals, Recreation Purposes and Sporting Events
31-105	Oglethorpe County Criminal Interference with Government Property Ordinance
31-106	Disorderly Conduct
31-107	Burning of Woodlands, Brush, Fields or other Lands
31-108	Discharge of Firearm in a Platted Subdivision
31-109	Public Drunkenness
31-110	Uncontrolled Fire as Constituting a Public Nuisance; Duties and Liabilities of Person or Entity Responsible
31-111	Burning Permit



Section 31-101 Interference with Government Property

1. A person commits the offense of criminal interference with government property when he destroys, defaces, tampers with, injures, or removes moveable or personal property belonging to or under the supervision or control of the county.
2. A person commits the offense of interference with government property when he moves, disturbs, or takes any earth, stone or material from public property.
3. A person commits the offense of interference with government property when he cuts, defaces, or destroys a tree on county property unless authorized.

Section 31-102 Criminal Trespass

1. A person commits the offense of criminal trespass when he intentionally enters on the property of another without the consent of that other person or knowingly and maliciously interferes with the possession or use of the property of another person without the consent of the person.
2. A person commits the offense of criminal trespass when he knowingly and without authority:
 - A. Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person for an unlawful purpose;
 - B. Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person after receiving, prior to such entry, notice from the owner or rightful occupant which may include a posted sign, or, upon proper identification, an authorized representative of the owner or rightful occupant that such entry is forbidden; or
 - C. Remains upon the land or premises of another person or within the vehicle, railroad car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or upon identification an authorized representative of the owner or rightful to depart.

Section 31-103 Alcoholic Beverage Possession on County Property

1. It shall be unlawful for any person to consume, use, sell or have in his possession any alcoholic beverage upon county property or facilities, whether or not such person is located in a vehicle.
2. It shall be unlawful for any person to have in his hand, or upon his person, or in any vehicle, any open container used or which has been used for alcoholic beverages upon county property.

3. The restrictions in this section shall not apply to persons who consume alcoholic beverages at a closed private function that has been approved by the Chairman of the Board of Commissioners or his designee, and is limited to a prescribed area.

Section 31-104 Ordinance to Regulate the Use of Public Rights of Way for Festivals, Recreation Purposes and Sporting Events

1. This ordinance shall apply to any recreational or sporting event conducted wholly or in part within the unincorporated area of Oglethorpe County. If the event is conducted wholly within the unincorporated area of Oglethorpe County, this ordinance shall apply to the entire event and its full length. If the event is conducted partly within the unincorporated area and partly outside the unincorporated area, this ordinance shall apply to the portion of the event conducted in the unincorporated area.
2. Public rights-of-way of Oglethorpe County shall not be used for sporting or recreational contest or competitions except as provided in this ordinance. Such contests regulated by this ordinance shall include all sporting or recreational contest or competitions on foot, bicycle, vehicle, or any other method of locomotion.
3. No such event shall be conducted on the public rights-of-way of Oglethorpe County unless the event is sponsored by a non-profit charitable institution such as a local school, religious institution, youth organization, fraternal organization, or Chamber of Commerce and is approved by the Board of Commissioners. The sponsoring organization must be actively involved in the planning, scheduling, and staging of the event and is subject to the approval under the following conditions:
 - A. The sponsor of the event shall, at least thirty (30) days prior to the scheduled date of the event, make application to the Oglethorpe County Board of Commissioners or its designee to conduct the event. Applications shall be in such form as the Oglethorpe County Board of Commissioners prescribes and shall at least provide that the name and address of the local sponsor or event organizer (or in the event of an organization which is not local, the name and address of a responsible county resident who is involved in planning the event); the date and times of the proposed events; the expected number of participants; names and qualifications of medical or paramedical personnel that will be available; the location of such event including all public rights-of-way which would be used or otherwise impacted; the duration of disruption of any vehicular traffic; specific arrangements for crowd control and accommodation for security, traffic, safety, restroom facilities, and waste control; certification that the event will be handled as part of a festival or other ongoing event; and that the length of the competition or race shall then be no more than one-half mile (½ mi.) from the start to the finish line.
 - B. The Board of Commissioners reserves the right to reject any and all applications based on the public health, safety, and welfare including the failure to provide for adequate measures to ensure a safe event. Special consideration shall be given to the impact of the event on more heavily traveled roads and on citizens not involved in the event.
4. If the Board of Commissioners shall determine, upon investigation, whether the proposed route is hazardous to participants or others. The Board or Commissioners or its designee may alter the proposed route and specify another or different route in the interest of public safety.
5. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall be punished, upon conviction, by the Oglethorpe County Magistrate Court by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment up to sixty (60) days, either or both, in the discretion of the magistrate court.
6. Should any section, subsection, or portion of this ordinance be declared invalid or unconstitutional in any court of competent jurisdiction, such declaration shall not effect the validity of this ordinance as a whole or any part thereof that is not specifically to be invalid.

(Adopted 2/12/2001)

OGLETHORPE COUNTY

PERMIT APPLICATION FOR SPORTING, RECREATIONAL CONTESTS, OR COMPETITIONS THAT USE COUNTY ROADS OR PUBLIC RIGHTS-OF-WAY

A PERMIT IS REQUIRED FOR THE USE OF RIGHTS-OF-WAY IN THE UNINCORPORATED AREA OF OGLETHORPE COUNTY. REQUESTS FOR THE ACTIVITY DESCRIBED BELOW MUST BE SUBMITTED TO THE BOARD OF COMMISSIONERS AT LEAST 30 DAYS PRIOR TO THE EVENT.

A map showing the location, proposed route, date, and time must be attached to this application. Arrangements must be made with Oglethorpe County's Sheriff Department. Additional information may be required prior to granting the permit. Oglethorpe County reserves the right to reject any and all applications in the interest of public health, safety, and welfare.

Name of Applicant _____

Address of Applicant _____

City _____

State _____

Zip Code _____

Name of Organization _____

Organization Tax Status _____

Address of Applicant _____

City _____

State _____

Zip Code _____

Telephone _____

Estimated number of participants _____

Date of Event _____

Starting Time _____

Ending Time _____

Road Names _____

Purpose of permit _____

NOTE: 1) No event shall be held on the public rights-of-way of Oglethorpe County unless the event is sponsored by a non-profit charitable institution, local school, religious institution, youth organization, fraternal organization, or chamber of commerce. Arrangements must be made for public safety and the names and qualifications of paramedical personnel, restroom facilities, and waste control. Proof of these requirements must accompany this application.

I have received a copy of the Oglethorpe County Ordinance to regulate the use of public rights-of-way for festivals, recreational purposes, and sporting events with this application. The race sponsor shall have a copy of the ordinance in their possession during the event.

Signature of Applicant _____

DATE _____

APPROVED:

Chairman, Board of Commissioners _____

Date Approved _____

Section 31-105 Oglethorpe County Criminal Interference with Government Property Ordinance

1. A person commits the offense of criminal interference with government property when he or she destroys, defaces, tampers with, injures, or removes moveable or personal property belonging to or under the supervision or control of Oglethorpe County.
2. A person commits the offense of interference with government property when he or she moves, disturbs, or takes, any earth, stone or material from public property.
3. A person commits the offense of interference with government property when he or she cuts, defaces, or destroys a tree on county property unless authorized.
4. Any person violating the ordinance shall, upon conviction before the Oglethorpe County Magistrate Court, be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding sixty (60) days at the discretion of the Oglethorpe County Magistrate Court.
5. If there is an apparent conflict in this ordinance between specific and general provision, it is the intention that the specific shall control.

(Adopted 8/10/1998)

Section 31-106 Disorderly Conduct

1. **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning.
 - A. **Meeting:** The gathering of a quorum of the members of any public governing body or any committee or commission created by such governing body, pursuant to the schedule, call or notice of and from such governing body or committee, or an authorized member at a designated time and place in which any public matter, official business, or policy of the governing body is to be discussed or presented, or at which official action is to be taken or in the case of a committee or commission recommendations of any public matter, official business, or policy of the governing body is to be formulated, presented, or discussed.
2. **Provisions.** It shall be unlawful for any person to commit any of the following acts within the county:
 - A. Any person who shall act in a violent or disorderly manner toward another, whereby any person is placed in reasonable fear of the safety of his life, limb, or health.
 - B. Any person who shall act in a violent or disorderly manner toward another, whereby public property or the property of any other person is placed in danger of being destroyed or damaged.
 - C. Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.
 - D. Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
 - E. Any person who shall assemble or congregate with another or others and cause, provoke, or engage in any fight or brawl.
 - F. Any person who shall collect in bodies or crowds and engage in unlawful activities.
 - G. Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming.
 - H. Any person who shall frequent any public place and obtain money from another by an illegal or fraudulent scheme, trick, artifice or device, or attempt to do so.
 - I. Any person who shall use fighting words directed towards any person who becomes outraged and thus creates turmoil.
 - J. Any person who, with the intent to prevent or disrupt a lawful meeting, procession or gathering, substantially obstructs or interferes with the meeting, procession or gathering by physical action or verbal utterance.
3. **Penalty.** Any person who violates this ordinance shall, upon conviction before the Oglethorpe County Magistrate Court, be fined an amount not to exceed one thousand dollars (\$1,000.00) or imprisoned for a period not to exceed sixty (60) days, at the discretion of the Oglethorpe County Magistrate Court.
4. **Enforcement.** Citations will be issued by a certified law enforcement officer.
5. **Severability.** If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provision of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individual provisions shall not be construed or affect the

portions of this ordinance not held to be invalid or the application of this ordinance to other circumstances not held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portions not been included herein.

6. **Repeal or Conflicting Resolutions or Ordinances.** Ordinances or parts of ordinances in conflict with this ordinance are not preserved and are appealed.

Section 31-107 Burning of Woodlands, Brush, Fields or other Lands

1. **Provisions.** It shall be unlawful;
 - A. To start, cause, or procure another to start a fire in any woodlands, brush, field, or any other lands not one's own or leased and without the permission of the owner;
 - B. To burn any brush, field, forest land, campfire, or debris whether on one's own land or the lands of another, without taking the necessary precautions before, during and after the fire to prevent the escape of such fire onto the lands of another. The escape of such fire shall be prima-facie evidence that necessary precautions were not taken;
 - C. For a person to cause a fire by discarding any lighted cigarette, cigar, debris, or any other flaming or smoldering material that may cause a forest fire; or
 - D. To destroy or damage any material or device used in the detection or suppression of wildfires.
2. **Exclusion.** This ordinance shall not apply to fire resulting from the operation of transportation machinery or equipment used in its normal or accustomed manner.
3. **Penalty.** Any person violating this ordinance shall, upon conviction before the Oglethorpe County Magistrate Court, be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding sixty (60) days, at the discretion of the Oglethorpe County Magistrate Court.
4. **Enforcement.** Citations may be issued by a Certified Law Enforcement Officer, Code Enforcement Officer or Georgia Forestry Commission Agent.
5. **Conflicts.** When there is an apparent conflict in this ordinance between specific and general provisions, it is the intention that the specific shall control.

(Adopted 10/9/2006)

Section 31-108 Discharge of Firearm in a Platted Subdivision

1. **Definitions.** A platted subdivision shall be any subdivision in the county which is on record in the real property records of Oglethorpe County, Georgia.
2. **Provisions.** It shall be unlawful to shoot or discharge a firearm within two hundred (200) yards of any residential structure of another landowner within the platted limits of a subdivision. This ordinance does not apply to property adjacent to a platted subdivision which is not a part of the subdivision.

This ordinance shall not prohibit an individual from protecting himself or his property from imminent danger from an individual or an animal,

3. **Penalty.** Any person who violates this ordinance shall, upon conviction before the Oglethorpe County Magistrate Court, be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding sixty (60) days, at the discretion of the Oglethorpe County Magistrate Court.
4. **Enforcement.** Citations will be issued by a Certified Law Enforcement Officer.

(Adopted 12/11/2006)

Section 31-109 Public Drunkenness

1. **Provisions.** A person who shall be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud, or unbecoming language commits the offense of public drunkenness.
2. **Penalty.** Any person violating this ordinance shall, upon conviction before the Oglethorpe County Magistrate Court, be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding sixty (60) days, at the discretion of the Oglethorpe County Magistrate Court.

3. Enforcement. Citations will be issued by a Certified Law Enforcement Officer.
(Adopted 10/9/2006)

Section 31-110 Uncontrolled Fire as Constituting a Public Nuisance; Duties and Liabilities of Person or Entity Responsible

- 1. Provisions:** Any fire burning uncontrolled on any forested or cut-over brush land or grassland is declared to be a public nuisance by reason of its menace to life and property.

Any person, firm, or corporation responsible either for the starting or for the existence of such fire is required to control or extinguish it immediately.

If such person, firm, or corporation shall refuse or neglect to do so, any organized fire suppression force may suppress the nuisance thus constituted by controlling and extinguishing the fire; and the cost thereof may be recovered from the responsible person, firm or corporation.

- 2. Penalty.** Any person violating this ordinance shall, upon conviction before the Oglethorpe County Magistrate Court, be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding sixty (60) days, at the discretion of the Oglethorpe County Magistrate Court.

Person, firm or corporation may at the direction of the Oglethorpe County Magistrate Court be ordered to pay restitution to the fire suppression force controlling and extinguishing the fire.

- 3. Enforcement.** Citations may be issued by a Certified Law Enforcement Officer, Code Enforcement Officer or Georgia Forestry Commission Agent.

(Adopted 10/9/2006)

Section 31-111 Burning Permit

- 1. Provisions.** Any person, firm, corporation, or association lawfully entitled to burn any woods, lands, marshes, or any other flammable vegetation, whether in cultivated or uncultivated areas, shall prior to such burning obtain a permit from the Forest Ranger of the county wherein such burning is to be made or from another employee of the forestry unit serving such county who is authorized by the chief forester of such unit to grant such permits. An applicant for a permit shall provide the County Forest Ranger or other authorized employee of the forestry unit serving the county with the location and the recommended time of the proposed burn. Such information may be provided and the permit may be obtained by a telephone call to the County Forest Ranger or to another authorized employee of the forestry unit serving the county. The permit shall be given by providing the applicant therefor with a permit number which will grant permission for a controlled burn to take place at the location specified by the applicant at a time approved by the County Forest Ranger or by the other authorized employee of the forestry unit serving the county.

- 2. Exclusions.** It shall not be necessary to obtain a permit otherwise required if a sudden emergency requires a firing in order to render one's premises safe. In any prosecution under this section, a necessary firing in a sudden emergency shall constitute an affirmative defense, but the burden of proving such necessity shall rest upon the person asserting it as a defense.

It shall not be necessary to obtain a permit otherwise required to burn improved pastures, residue on cultivated crop land, or leaf piles if the person, firm, corporation or association intending to burn such residue shall, prior to such burning, give notice of the approximate time and location thereof to the Forest Ranger of the county wherein such burning is to be made or to an employee of the forestry unit serving such county who is authorized to grant permits.

The notice or permit required shall be in addition to any other notice or permit or other requirement for burning provided for by law or by ordinance resolution or regulation of any county or municipality of this state; provided, however that no additional restrictions provided by local ordinance shall prohibit burning the understory for the health of the forest and wildlife or prohibit the landowner's ability to reduce fuel loads on the forest floor for the safety of the community; provided, further, that the foregoing exception shall not apply to the burning of leaf or brush piles not necessary to accomplish the purposes of prescribed burning

3. **Penalty.** Any person violating this ordinance shall, upon conviction before the Oglethorpe County Magistrate Court, be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding sixty (60) days, at the discretion of the Oglethorpe County Magistrate Court.
4. **Enforcement.** Citations may be issued by a Certified Law Enforcement Officer, Code Enforcement Officer or Georgia Forestry Commission Agent.
5. **Conflicts.** When there is an apparent conflict in this ordinance between specific and general provisions, it is the intention that the specific shall control.
6. **Severability.** If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provision of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individual provisions shall not be construed or affect the portions of this ordinance not held to be invalid or the application of this ordinance to other circumstances not held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portions not been included herein.
7. **Repeal or Conflicting Resolutions or Ordinances.** Ordinances or parts of ordinances in conflict with this ordinance are not preserved and are repealed.

(Adopted 10/9/2006)

CHAPTER 32: LICENSING AND BUSINESS REGULATION

Section

ARTICLE I. DISTILLED SPIRITS

32-101 Division 1: Generally
32-102 Division 2: License

ARTICLE II. MALT BEVERAGES AND WINE

32-201 Division 1: Generally
32-202 Division 2: License



ARTICLE I. DISTILLED SPIRITS

Section 32-101 Division 1: Generally

1. **Definitions.** The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - A. **Alcohol.** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
 - B. **Alcoholic Beverage.** Means and includes all alcohol, distilled spirits, beer, malt beverages, wine, or fortified wine as defined in this section.
 - C. **Distilled Spirits.** Any alcoholic beverage obtained by distillation or containing more than twenty-one percent (21%) alcohol by volume including but not limited to, all fortified wines.
 - D. **Fortified Wines.** Any alcoholic beverage containing more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to brandy.
 - E. **Malt Beverage.** 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 six percent (6%) alcohol by volume, and including ale, porter, brown, stout, lager beer, malt beer, and strong beer, but not including sake, known as Japanese rice wine.
 - F. **Manufacturer.** Any maker, producer, distiller, brewer, vintner, rectifier, blender, or bottler of an alcoholic beverage.
 - G. **Package.** A bottle, can, keg, barrel, or other original consumer container.
 - H. **Person.** Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.
 - I. **Retail Dealer.** Any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.
 - J. **Wholesaler.** Any person who sells distilled spirits to other wholesale dealers or retail dealers.
 - K. **Wine.** Any alcoholic beverage containing not more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.
2. **Construction of Definitions.** As used in this article, defined words shall have the meanings specified unless the context in which the word or term is used clearly requires that a different meaning be used.
3. **Sales in Unbroken Package Only, Minimum Package Size.** All licensed retail dealers shall sell in the original unbroken package only and shall sell no package containing less than two hundred milliliters (200 ml.).

4. Products for Sale.

- A.** No retail dealer shall keep in stock, display, sell, or offer to sell, at any place of business licensed under this article, any other product or commodity except the following:
 - (i) Wines, when properly licensed;
 - (2) Malt beverages, when properly licensed;
 - (3) Beverages containing no alcohol commonly used to dilute distilled spirits;
 - (4) Tobacco products;
 - (5) Ice to be sold in sealed containers only and not to be opened on the premises; and
 - (6) Paper, Styrofoam or plastic cups.
- B.** Beverages containing no alcohol and commonly used to dilute distilled spirits may be dispensed through the use of vending machines, but no alcoholic beverages shall be dispensed through such vending machines.

5. Place of Sale or Delivery of Goods. No retail dealer shall sell or deliver any distilled spirits to any person except in such retail dealer's place of business. A retail dealer shall be permitted to load purchased goods into a customer's vehicle when the sale physically takes place and monies have been exchanged inside the place of business. A retail dealer licensee under this article shall be permitted to have a drive-in window and it shall be permissible for the licensee or licensee's employees to deliver distilled spirits through such window. Curb service type sales and sales to customers in vehicles parked in the parking area of the place of business are prohibited.

6. Hours of Operation. No retail dealer shall be in a place of business, or open a place of business, or furnish, sell or offer for sale any distilled spirits at any of the following times:

- A.** At any time on Thanksgiving Day, Christmas Day, or Sunday, except as provided by O.C.G.A. § 3-3-7;
- B.** At any time in violation of a local ordinance or regulation or of a special order of the governing authority;
- C.** The wholesale or retail sales of alcohol or distilled spirits shall be lawful during the polling hours of any election; provided however, the sale of alcoholic beverages within two hundred fifty feet (250') of a polling place is unlawful during such time that the polls are open;
- D.** On any day before 7:00 a.m. or after 12:00 midnight.

7. Minimum Age of Consumption; Exceptions,

- A.** No retail dealer or employee of a retail dealer shall knowingly furnish, sell or offer for sale any distilled spirits to a person, under twenty-one (21) years of age. This prohibition shall not apply with respect to the sale of distilled spirits to a person when such person has furnished proper identification showing that the person to whom the distilled spirits are being sold is twenty-one (21) years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the Department of Public Safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. The term "proper identification" shall not include a birth certificate.
- B.** The prohibition in subsection A of this section shall not apply in respect to the following:
 - (1) Whenever distilled spirits are purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) Whenever distilled spirits are purchased for consumption at a religious ceremony;
 - (3) Whenever distilled spirits are purchased with parental consent for consumption in the home.

8. Employment of Minors Prohibited. No retail dealer licensed under this article shall employ, require or permit a person under twenty-one (21) years of age to sell or take orders for any distilled spirits.

9. Furnishing Distilled Spirits to Certain Persons Prohibited. No retail dealer licensed under this article shall furnish, sell, or offer to sell any distilled spirits to any person who is noticeably intoxicated, or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to such licensee.

10. Retail Dealers to Buy Only from Licensed Wholesalers. No licensed retail dealer shall buy or arrange to buy or in any way effect the transfer of any distilled spirits except from a licensed wholesaler.

11. Retail Dealers to Store Inventory Only on Premises. A licensed retail dealer shall keep no inventory or stock of distilled spirits at any place except the licensed place of business, and within the licensed place of business the storage area for distilled spirits shall be immediately adjacent to the retail area. No licensed retail dealer shall enter into any type of arrangement whereby distilled spirits ordered by the retail dealer are stored by a licensed wholesaler.

12. Gambling on Premises Prohibited. There shall be no gambling, betting, games of chance, punchboard, slot machines, pinball machines, or the operation of any scheme for hazarding money or any other thing of value in

any place of business licensed under this article, or in any room adjoining such business, owned, leased or controlled by a licensee. This prohibition shall not apply to the applicant's service as a retailer for the Georgia Lottery under *O.C.G.A. § 50-27-17* or as otherwise permitted under the laws of the state. Any violation of this section shall be cause for suspension or revocation of a license,

13. Grounds for Suspension or Revocation of License.

- A.** No person shall engage in the sale of distilled spirits in the county without first complying with the rules and requirements set out in this article. Any license issued under this article shall be subject to a suspension or revocation upon any of the following grounds:
 - (1) The making of any statement and application for a license issued under this article which shall be later found to be false shall constitute grounds for revocation of such license;
 - (2) All licenses issued under this article are conditioned upon faithful compliance with the rules and regulations set out in this article, and the laws and regulations of the United States and the state;
 - (3) Whenever it can be shown that a licensee under this article no longer maintains adequate financial responsibility upon which issuance of the license was conditioned or whenever the licensee has defaulted in any obligation, of any kind whatsoever lawfully owing to the county;
 - (4) Suspension or revocation of a state retail dealers license shall automatically operate to suspend or revoke any license issued under this article;
 - (5) Any violation of Section 32-101-12; or
 - (6) For any other legal and sufficient cause.
- B.** Any action taken by the Board of Commissioners to suspend or revoke a license issued under this article shall not preclude and may be in addition to, any criminal prosecution by a proper authority as provided by the laws and ordinances of the county, the state, or the United States. Whenever any action is taken by the Board of Commissioners to suspend or revoke any license issued under this article, the Board of Commissioners shall provide written notice to the licensee of the action taken and stating the reasons therefor. The licensee shall have fifteen (15) days following notification of such action to request a hearing before the Board of Commissioners. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.

Section 32-102

Division 2: License

1. Retail Dealer License; Applications; Notice; Fingerprints; Bonds; Restrictions; Standards; Hearing.

- A.** The business of manufacturing, distributing, selling, handling, and otherwise dealing in or possessing distilled spirits and alcoholic beverages are declared to be privileges and not rights; and such privileges shall not be exercised in the county except as licensed under the terms of this article.
- B.** Application for a retail dealer's license shall be made on forms furnished by the county. A notice of each application shall be advertised in the official newspaper of the county once a week for two (2) weeks immediately preceding the meeting of the Board of Commissioners in which the application is to be acted upon.
- C.** Each applicant shall furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation (GBI) who shall search the files of the Georgia Crime Information Center for a period of three (3) years immediately preceding the date of such application for any instance of criminal activity. The Georgia Bureau of Investigation shall also submit such fingerprints to the Federal Bureau of Investigation under rules established by the United States Department of Justice for processing and identification records. The federal record, if any, shall be obtained and returned to the Board of Commissioners considering such application.
- D.** Applicants must post with the Board of Commissioners along with their application, a personal performance bond; such bond to be conditioned upon the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article, or any part thereof, the amount of the bond to be forfeited will be determined by the Board of Commissioners in accordance with the nature of the violation after a hearing is held by the Board of Commissioners. Written notice of such hearing shall be given to the alleged violator not less than fifteen (15) days prior thereto. The determination by the Board of Commissioners to forfeit such bond may be in addition to any action taken by the Board of Commissioners under Section 32-101-13. The bond shall be payable to the county in the amount of ten thousand dollars (\$10,000.00) and must be approved by the Board of Commissioners and shall be executed in the form specified by the Board of Commissioners. However, nothing in this article shall preclude the Board of commissioners from waiving such bond requirement whenever a

- licensee has established sufficient financial responsibility and/or a record of faithful compliance with the laws and regulations of the United States of America, the state and the county.
- E. No retail dealer's license shall be granted to any person, unless such person is of legal age.
 - F. Only two (2) retail dealer licenses shall be issued to any one (1) person in the county, and no person who holds more than two (2) retail dealer licenses or has a beneficial interest in more than two (2) retail dealer licenses in any other county or municipality in the state shall be eligible to receive a retail dealer's license. The terms "person" and "beneficial interest" shall have the same meaning as used in O.C.G.A. § 3-4-21.
 - G. No employee of the county shall be eligible to receive a retail dealer's license.
 - H. The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses under this division:
 - (1) All applicants for a retail dealer's license must show financial responsibility. The Board of Commissioners may require all applicants to provide financial statements and other evidence of financial responsibility in conjunction with the application.
 - (2) All applicants for a retail dealer's license must be of good character, and all operators, managers, clerks, and other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
 - (3) No license shall be granted to an applicant who has been convicted under any federal, state or local law for a criminal offense involving alcoholic beverages, gambling, or tax law violations if such conviction tends to indicate that the applicant would not maintain the operation for which a license is being sought in conforming with federal, state or laws of the county.
 - (4) A license application may be denied to any applicant for a retail dealer's license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
 - (5) The Board of Commissioners, in their discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in their judgment circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the applicant.
 - I. All decisions of the Board of Commissioners either approving or denying a license application shall be stated in writing and a copy of such statement shall be provided to the applicant either personally or by certified mail.
 - J. Whenever the Board of Commissioners shall deny an application for a retail dealer's license, the applicant shall have fifteen (15) days following notification of denial to request a hearing before the Board of Commissioners. The applicant shall be entitled to such hearing to present evidence and cross examine opposing witnesses.
 - K. A corporate licensee applicant shall appoint and designate to the Board of Commissioners an agent authorized to receive service of process under the laws of the state.
 - L. Licensees shall be active and solely responsible for the management and operation of the business for which the license is granted.
2. **Premises.** No retail dealer's license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of such building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit for a proposed building to be built or renovated are attached to the application. The completed building or the proposed building shall comply with ordinances of the county, regulations of the state revenue commissioner and the laws of the state. The proposed building shall also be subject to final inspection and approval by the building inspector when completed. Each such building shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all the outside premises of such building. Each applicant for a retail dealer's license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. A separate retail dealer's license shall be required for each place of business.
3. **Distance Requirements.** No retail dealer's license shall be granted to any person unless the entire business premises of the proposed location is situated not less than one hundred yards (100 yds.) from any church building, not less than two hundred yards (200 yds.) from the property line of any school ground or college

campus, and not less than one hundred yards (100 yds.) from any building used as an alcohol rehabilitation center, the distance to be measured by the most direct, route of travel on the ground. Each application for a retail dealer's license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church building, school ground or campus, or alcohol rehabilitation center, or a certificate of a registered surveyor that such location complies with this article with reference to this section.

4. **Term of License; Renewal.** A retail dealer's license shall be valid only for the calendar year indicated thereon and no such license may be renewed except upon approval of the Board of Commissioners.
5. **License Fee.** The annual fee for a retail dealer's license shall be as set forth in the schedule of fees and charges on file in the office of the County Clerk and shall be paid prior to the issuance of such license. The fee shall accompany the application and shall be either in cash or a bank certified check. The annual fee shall be prorated if issued after February 28 of any calendar year.
6. **Excise Tax.** There is levied an excise tax computed at the rate of twenty-two cents (\$0.22) per liter which shall be paid to the Board of Commissioners on all distilled spirits sold in the county as permitted under *O.C.G.A. § 3-4-80*. Such tax shall be paid to the Board of Commissioners by the wholesaler on all distilled spirits sold to retail dealers in the county, as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits to any retail dealer, shall collect the excise tax at the time of delivery to each retail dealer on or before the tenth day of the month following. The twenty-two cents (\$0.22) per liter rate shall be prorated so that all containers of distilled spirits shall be taxed on the basis of twenty-two cents (\$0.22) per liter. It shall be unlawful and a violation of this article for any wholesaler to sell, ship or deliver in any manner any distilled spirits to a retail dealer without collecting such tax. It shall be unlawful and a violation of this article for any retail dealer to possess, own, hold, store, display, or sell any distilled spirits on which such tax has not been paid. Each wholesaler shall be paid three percent (3%) of the amount of taxes collected as reimbursement for collection of such taxes.
7. **Licenses Not Transferable.** No retail dealer's license issued under this article shall be transferable or assignable to any other person or location, and in the event that a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the Board of Commissioners.
8. **Display of License.** Licenses issued under this article shall be displayed prominently at all times on the premises for which the license was issued.
9. **Licensees to Maintain a Copy of the Article; Employees to Be Familiar with Terms; Responsibility of Licensee for Violations.** Each licensed retail dealer under this article shall keep a copy of this article in the licensed premises and shall instruct any person working there with respect to the terms of this article and each licensee, the licensee's agents and employees selling distilled spirits shall at all times be familiar with the terms of this article. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or the rules and regulations of the state Revenue Commissioner.
10. **Premises Open for Inspection.** The business premises of a licensed retail dealer under this article shall be open to inspection at any and all times by officers or officials representing the Board of Commissioners authorized to conduct such inspections.

ARTICLE II. MALT BEVERAGES AND WINE

Section 32-201 Division 1: Generally

1. **Definitions.** The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - A. **Alcohol.** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
 - B. **Alcoholic Beverage.** Means and includes all alcohol, beer, malt beverages and/or wine, or fortified wine as deemed in this section.
 - C. **Distilled Spirits.** Any alcoholic beverage obtained by distillation or containing more than twenty-one percent (21%) alcohol by volume including but not limited to, all fortified wines.
 - D. **Fortified Wines.** Any alcoholic beverage containing more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. Fortified wine includes, but is not limited to brandy.
 - E. **Malt Beverage.** 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 six percent (6%) alcohol by volume, and including ale, porter, brown, stout, lager beer, malt beer, and strong beer, but not including sake, known as Japanese rice wine.

- F. **Manufacturer.** Any maker, producer, distiller, brewer, vintner, rectifier, blender, or bottler of an alcoholic beverage.
 - G. **Package.** A bottle, can, keg, barrel, or other original consumer container.
 - H. **Person.** Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.
 - I. **Retail Dealer.** Any person who sells malt beverages and/or wine in unbroken packages at retail only to consumers and not for resale.
 - J. **Wholesaler.** Any person who sells malt beverages and wine to other wholesale dealers or retail dealers.
 - K. **Wine.** Any alcoholic beverage containing not more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.
- 2. **Construction of Definitions.** As used in this article, defined words shall have the meanings specified unless the context in which the word or term is used clearly requires that a different meaning be used.
 - 3. **Sales in Unbroken Package Only; Minimum Package Size.** All licensed retail dealers shall sell in the original unbroken package only and shall sell no package containing less than two hundred milliliters (200 ml.).
 - 4. **Place of Sale or Delivery of Goods.** No retail dealer shall sell or deliver any malt beverages or wine to any person except in such retail dealer's place of business. A retail dealer shall be permitted to load purchased goods in a customer's vehicle when the sale physically takes place and monies have been exchanged inside the place of business. A retail dealer licensee under this article shall be permitted to have a drive-in window and it shall be permissible for the licensee or licensee's employees to deliver malt beverages or wine through such window. Curb service type sales and sales to customers in vehicles parked in the parking area of the place of business are prohibited.
 - 5. **Hours of Operation.** No retail dealer shall be in a place of business, or open a place of business, or furnish, sell or offer for sale any malt beverages or wine at any of the following times:
 - A. At any time on Thanksgiving Day, Christmas Day, or Sunday, except as provided by O.C.G.A. § 3-3-7;
 - B. At any time in violation of a local ordinance or regulation or of a special order of the Board of Commissioners;
 - C. The wholesale or retail sales of alcohol or malt beverages and wine shall be lawful during the polling hours of any election; provided however, the sale of alcoholic beverages within two hundred fifty feet (250') of a polling place is unlawful during such time that the polls are open;
 - D. On any day before 7:00 a.m. or after 12:00 midnight.
 - 6. **Minimum Age of Consumption; Exceptions.**
 - A. No retail dealer or employee of a retail dealer shall knowingly furnish, sell or offer for sale any malt beverages and wine to a person under twenty-one (21) years of age. This prohibition shall not apply with respect to the sale of malt beverages or wine to a person when such person has furnished proper identification showing that the person to whom the malt beverages or wine are being sold is twenty-one (21) years of age or older. For purposes of this subsection, proper identification means any document issued by a governmental agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
 - B. The prohibition in subsection A of this section shall not apply in respect to the following:
 - (1) Whenever malt beverages or wine are purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) Whenever malt beverages or wine are purchased for consumption at a religious ceremony;
 - (3) Whenever malt beverages or wine are purchased with parental consent for consumption in the home.
 - 7. **Retail Dealers to Buy Only from Licensed Wholesalers.** No licensed retail dealer shall buy or arrange to buy or in any way effect the transfer of any malt beverages or wine except from a licensed wholesaler.
 - 8. **Retail Dealers to Store Inventory Only on Premises.** A licensed retail dealer shall keep no inventory or stock of malt beverages or wine at any place except the licensed place of business, and within the licensed place of business the storage area for malt beverages or wine shall be immediately adjacent to the retail area. No licensed

retail dealer shall enter into any type of arrangement whereby malt beverages or wine ordered by the retail dealer are stored by a licensed wholesaler.

9. **Gambling on Premises Prohibited.** There shall be no gambling, betting, games of chance, punchboard, slot machines, or the operation of any scheme for hazarding money or any other thing of value in any place of business licensed under this article, or in any room adjoining such business, owned, leased or controlled by a licensee. This prohibition shall not apply to the applicant's service as a retailer for the Georgia Lottery under O.C.G.A. § 50-27-17 or as otherwise permitted under the laws of the state. Any violation of this section shall be cause for suspension or revocation of a license.

Section 32-202

Division 2: License

1. Retail Dealer License; Applications; Notice; Fingerprints; Bonds; Restrictions; Standards; Hearing.

- A. The business of manufacturing, distributing, selling, handling, and otherwise dealing in or possessing malt beverages or wine and alcoholic beverages are declared to be privileges and not rights; and such privileges shall not be exercised in the county except as licensed under the terms of this article.
- B. Application for a retail dealer's license shall be made on forms furnished by the county. A notice of each application shall be advertised in the official newspaper of the county once a week for two (2) weeks immediately preceding the meeting of the Board of Commissioners in which the application is to be acted upon.
- C. Each applicant shall furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation (GBI) who shall search the files of the Georgia Crime Information Center for a period of three (3) years immediately preceding the date of such application for any instance of criminal activity. Georgia Bureau of Investigation shall also submit such fingerprints to the Federal Bureau of Investigation under rules established by the United States Department of Justice for processing and identification records. The federal record, if any, shall be obtained and returned to the Board of Commissioners considering such application.
- D. Applicants must post with the Board of Commissioners along with their application, a personal performance bond; such bond to be conditioned upon the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article, or any part thereof, the amount of the bond to be forfeited will be determined by the Board of Commissioners in accordance with the nature of the violation after a hearing is held by the Board of Commissioners. Written notice of such hearing shall be given to the alleged violator not less than fifteen (15) days prior thereto. The determination by the Board of Commissioners to forfeit such bond may be in addition to any action taken by the Board of Commissioners under Section 32-202-10. The bond shall be payable to the county in the amount of ten thousand dollars (\$10,000.00) and must be approved by the Board of Commissioners and shall be executed in the form specified by the Board of Commissioners. However, nothing in this article shall preclude the Board of Commissioners from waiving such bond requirement whenever a licensee has established sufficient financial responsibility and/or a record of faithful compliance with the laws and regulations of the United States of America, the state and the county.
- E. No retail dealer's license shall be granted to any person, unless such person is of legal age.
- F. Only two (2) retail dealer licenses shall be issued to any one person in the county, and no person who holds more than two (2) retail dealer licenses or has a beneficial interest in more than two (2) retail dealer licenses in any other county or municipality in the state shall be eligible to receive a retail dealer's license. The terms "person" and "beneficial interest" shall have the same meaning as used in O.C.G.A. § 3-4-21.
- G. No employee of the county shall be eligible to receive a retail dealer's license.
- H. The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses under this article:
 - (1) All applicants for a retail dealers license must show financial responsibility. The Board of Commissioners may require all applicants to provide financial statements and other evidence of financial responsibility in conjunction with the application.
 - (2) All applicants for a retail dealer's license must be of good character, and all operators, managers, clerks, and other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
 - (3) No license shall be granted to an applicant who has been convicted under any federal, state or local law for a criminal offense involving alcoholic beverages, gambling, or tax law violations if such

- conviction tends to indicate that the applicant would not maintain the operation for which a license is being sought in conforming with federal, state or laws of the county.
- (4) A license application may be denied to any applicant for a retail dealer's license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
 - (5) The Board of Commissioners, in their discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If, in their judgment, circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the applicant.
- I. All decisions of the Board of Commissioners either approving or denying a license application shall be stated in writing and a copy of such statement shall be provided to the applicant either personally or by certified mail.
 - J. Whenever the Board of Commissioners shall deny an application for a retail dealer's license, the applicant shall have fifteen (15) days following notification of denial to request a hearing before the Board of Commissioners. The applicant shall be entitled to such hearing to present evidence and cross examine opposing witnesses.
 - K. A corporate licensee applicant shall appoint and designate to the Board of Commissioners an agent authorized to receive service of process under the laws of the state.
 - L. Licensees shall be active and solely responsible for the management and operation of the business for which the license is granted.
2. **Premises.** No retail dealer's license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of such building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit for a proposed building to be built or renovated are attached to the application. The completed building or the proposed building shall comply with ordinances of the county, regulations of the state Revenue Commissioner and the laws of the state. The proposed building shall also be subject to final inspection and approval by the Building Inspector when completed. Each such building shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all the outside premises of such building. Each applicant for a retail dealer's license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. A separate retail dealer's license shall be required for each place of business.
 3. **Distance Requirements.** No retail dealer's license shall be granted to any person unless the entire business premises of the proposed location is situated not less than one hundred yards (100 yds.) from any church building, not less than two hundred yards (200) from the property line of any school ground or college campus, and not less than one hundred yards (100 yds.) from any building used as an alcohol rehabilitation center, such distance to be measured by the most direct route of travel on the ground. Each application for a retail dealer's license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church building, school ground or campus, or alcohol rehabilitation center, or a certificate of a registered surveyor that such location complies with this article with reference to this section.
 4. **Term of License; Renewal.** A retail dealer's license shall be valid only for the calendar year indicated thereon and no such license may be renewed except upon approval of the Board of Commissioners. A licensee who desires to continue in business during a subsequent calendar year must renew license for such year prior the expiration of the current license.
 5. **License Fee.** The annual fee for a retail dealer's license shall be as set forth in the schedule of fees and charges on file in the office of the County Clerk and shall be paid prior to the issuance of such license. The fee shall accompany the application and shall be either in cash or a bank certified check. The annual fee shall be prorated if issued after February 28 of any calendar year.
 6. **Licenses Not Transferable.** No retail dealer's license issued under this article shall be transferable or assignable to any other person or location, and in the event that a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the Board of Commissioners.
 7. **Display of License.** Licenses issued under this article shall be displayed prominently at all times on the premises for which the license was issued.

8. **Licensees to Maintain a Copy of the Article; Employees to Be Familiar with Terms; Responsibility of Licensee for Violations.** Each licensed retail dealer under this article shall keep a copy of this article in the licensed premises and shall instruct any person working there with respect to the terms of this article and each licensee, the licensee's agents and employees selling malt beverages or wine shall at all times be familiar with the terms of this article. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or the rules and regulations of the state Revenue Commissioner.
9. **Premises Open for Inspection.** The business premises of a licensed retail dealer under this article shall be open to inspection at any and all times by officers or officials representing the Board of Commissioners authorized to conduct such inspections.
10. **Grounds for Suspension or Revocation of License.** No person shall engage in the sale of malt beverages or wine in the county without first complying with the rules and requirements set out in this article. Any license issued under this article shall be subject to a suspension or revocation upon any of the following grounds:
 - A. The making of any statement and application for a license issued under this article which shall be later found to be false shall constitute grounds for revocation of such license;
 - B. All licenses issued under this article are conditioned upon faithful compliance with the rules and regulations set out in this article, and the laws and regulations of the United States and the state;
 - C. Whenever it can be shown that a licensee under this article no longer maintains adequate financial responsibility upon which issuance of the license was conditioned or whenever the licensee has defaulted in any obligation, of any kind whatsoever lawfully owing to the county;
 - D. Suspension or revocation of a state retail dealer's license shall automatically operate to suspend or revoke any license issued under this article;
 - E. Any violation of Section 32-201-9; or
 - F. For any other legal and sufficient cause. Any action taken by the Board of Commissioners to suspend or revoke a license issued under this article shall not preclude and may be in addition to, any criminal prosecution by a proper authority as provided by the laws and ordinances of the county, the state, or the United States. Whenever any action is taken by the Board of Commissioners to suspend or revoke any license issued under this article, the Board of Commissioners shall provide written notice to the licensee of the action taken and stating the reasons therefor. The licensee shall have fifteen (15) days following notification of such action to request a hearing before the Board of Commissioners. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.

CHAPTER 33: MANUFACTURED HOUSING

Section

33-101	Intent
33-102	Requirements for All Manufactured Homes
33-103	Requirements for Pre-Owned and Pre-Occupied Manufactured Homes
33-104	Minimum Safety Standards
33-105	Penalties
33-106	Definitions



Section 33-101 Intent

The purpose of these rules and regulations are to safeguard life, public health, property and welfare by establishing minimum standards for the construction and installation of all manufactured housing and mobile homes locating within Oglethorpe County.

Section 33-102 Requirements for All Manufactured Homes

1. Compliance with all applicable county codes and ordinances as may be in effect, including and not limited to:
 - A. Section 901: Manufactured Housing of the 2005-01 Oglethorpe County Zoning Ordinance
 - (1) Subsection 901.1, Manufactured Housing Classification;
 - (2) Subsection 901.2, Minimum Compatibility Standards;
 - (3) Subsection 901.3 Manufactured Housing as Single-Family Dwelling;
 - (4) Subsection 901.4, Building Permit and Occupancy Permit Required;
 - (5) Subsection 901.5 Installation Requirements;
 - (6) Subsection 901.6 Ad Valorem Taxes;
 - (7) Subsection 901.11 Manufactured Housing Transporters/Movers and Installers;
 - B. 2005-10 Resolution Authorizing The Southern Standard Building Codes and International Building Codes;
 - C. All fees charged per the 2008-06 Resolution Authorizing the Collection of Fees for the Operation of a Zoning and Building Code Office and future changes made thereto;
 - D. Section 4. Minimum Safety Standards contained herein;
 - E. Lot size, setbacks, and all other requirements of the district in which it is to be located;
2. Compliance with the definition of a Manufactured home as stated under Section 1; Definitions; item (f) contained herein;
3. Permits required prior to issuance of Certificate of Occupancy:
 - A. Building Permit; In addition to the information required on the Building Permit, the Applicant must present the following in order to receive the building permit:
 - (1) Physical mailing address.
 - (2) Copy of recorded plat.
 - (3) Septic Permit.
 - (4) Dealers Statement of Sale.
 - (5) Tax paid notice and sticker.
 - (6) Transporter & Installer Registration.
 - B. Electrical Permit.
 - C. Mechanical Permit.
 - D. Certificate of Occupancy.
 - E. Driveway Permit, if applicable, according to 2004-07 Driveway Permit Ordinance.
4. On Site Inspections: Upon receipt of the applicable permits, applicants may relocate the manufactured home on a pre-approved residential site for the purposes of inspection. Applicant shall arrange for the following

inspections to be held. Inspections may be made in sequence as listed below or inspections may be combined as long as all work is visible to the Building Inspector:

- A. Temporary power or permanent power.
 - B. Footing.
 - C. Approved tie downs, vapor barrier and piers.
 - D. Underpin.
 - E. Deck, pier hole probe.
 - F. Final inspection which includes Heat & Air.
5. Certificate of Occupancy.

Section 33-103 Requirements for Pre-Owned and Pre-Occupied Manufactured Homes

- 1. A Pre-Moving Inspection is required to determine compliance with Section 4, Minimum Safety Standards, contained herein.
- 2. For every inspection that fails, a re-inspection fee will be charged.
- 3. All fees must be paid in advance of the pre-owned home inspection and are NON-REFUNDABLE.
 - A. Pre-Moving Inspection of Pre-Owned Homes currently located INSIDE Oglethorpe County and relocating inside Oglethorpe County:
 - (1) The Building Inspector or his designee will inspect the home and a fee will be charged.
 - B. Pre-Moving Inspection of Pre-Owned Homes currently located OUTSIDE Oglethorpe County and relocating inside Oglethorpe County:
 - (1) The Building Inspector or his designee will inspect the home and a fee will be charged. In addition to the inspection fee, a fee will be charged for the following:
 - (a) The Building Inspection hourly rate.
 - (b) A fee for round trip mileage as measured from the Building Inspector's office to the location of the home, with said mileage fee set by the Internal Revenue Service.

Section 33-104 Minimum Safety Standards

- 1. **HUD Code.** Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.
- 2. **Interior Condition.** Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
- 3. **Exterior Condition.** The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- 4. **Sanitary Facilities.** Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.
- 5. **Heating Systems.** Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.
- 6. **Electrical Systems.** (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded. Each pre-owned manufactured home shall contain a water heater in safe and working order.
- 7. **Hot Water Supply.** Each home shall contain a water heater in safe and working condition
- 8. **Egress Windows.** Each bedroom of a manufactured home shall have at least one operable window of a net clean opening 5.7 square feet to allow egress if necessary. Grade floor openings shall be a minimum of 5.5 square feet. (R3 10.1.1) Minimum height is a clear opening of twenty-four (24) inches (R3 10.1.2) and minimum width is a clean opening of twenty (20) inches (R3 10.1.3).
- 9. **Ventilation.** The kitchen in the home shall have at least one operating window or other ventilation device.

10. **Smoke Detectors.** Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom, in the kitchen, and in the hallway to the bedrooms, which must be installed in accordance with the manufacturer's recommendations.

Section 33-105 Penalties

The Applicant shall have three (3) months to bring the home into compliance. Failure to do so shall result in the Applicant being required to remove the home from the jurisdiction at his/her own expense. After three (3) months the designated Code Official will issue citations to ensure compliance per the Oglethorpe County Zoning Ordinance, Section 1301: Enforcement; Subsection 1301.3 Penalties for Violation and all other applicable county Codes and Ordinances and any other laws or ordinances as may be in effect.

Section 33-106 Definitions

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

1. **Applicant** means any person seeking to install a manufactured home in the unincorporated area of Oglethorpe County.
2. **Building Inspector** means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the county building official or any of his or her assistants, or by an inspector who has been duly authorized by the Oglethorpe County Building Inspector;
3. **Certificate of Occupancy** means a document issued by the building inspector certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this Ordinance, and indicating it to be in a condition suitable for residential occupancy.
4. **Install** means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.
5. **Jurisdiction** means the unincorporated areas of Oglethorpe County, Georgia.
6. **Manufactured Home** means a dwelling unit fabricated in an off-site facility for installation or assembly at the building site, constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401, et seq., bearing an insignia or sticker of approval issued by the U.S. Department of Housing and Urban Development (HUD) that is usually found on a red label at the rear of the home near the tail light (the HUD standards are administered in Georgia by the Office of the State Fire Marshall). Such units typically arrive at a site from the factory or dealer as a complete dwelling unit or in two sections, with fixtures and major appliances included, and plumbing and electrical connections provided for attachment to outside systems. Units originally constructed with wheels for movement shall not change classification if the wheels are removed. Travel trailers and recreational vehicles shall not be included in this definition.

(Adopted 9/13/2010)

CHAPTER 34: HAULING AND LOGGING OPERATIONS

Section

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ARTICLE I. DIVISION 1: GENERALLY

Section 34-101 Scope

This article shall cover any person who uses a county right-of-way in carrying out his business by loading, transporting, or unloading materials of any nature, whether on the road surface or a county right-of-way, or crossing the unpaved portion of the right-of-way including ditches or embankments.

Section 34-102 Definitions

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

1. **Access Site.** Any temporary roadway, drive, structure, fill or device, existing or constructed, that is used or employed for the purpose of crossing, travel upon or use of county road rights-of-way.
2. **County Right-of-way.** The shoulder, front slope, ditch, drain and back slope, facility or any appurtenance of any county road as defined in this section.
3. **County Road.** Any county owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.
4. **Harvester.** Any person involved in loading and hauling pulpwood, stone, fill dirt, or construction material or logging and timber operations within the county.

5. **Heavy Equipment Machinery and Vehicles.** Any and all devices in, upon or by which any person or property may be transported or drawn including, but not limited to, semi-trailers, trailers, tractors and truck-tractors; provided, however, vehicles in use immediately for the control or extinguishing of wild fire shall be exempt from this article.
6. **Loading and Unloading.** Shall be defined by its everyday meaning, but also shall include any activity known as harvesting or mining of any product or material.
7. **Operations.** Those activities contemplated by this article, including the loading or transporting of raw materials such as stone, timber, pulpwood, fill dirt and construction material.
8. **Operator.** Any individual, partnership, corporation, association, of private or any character, and the officers, agents, and employees thereof carrying out the activities contemplated by this article.

Section 34-103 Loading Sites

All harvesting, grading or loading shall be conducted at a loading site off of the county right-of-way and behind the established ditch line of county roads.

Section 34-104 Ditches

Ditches within fifty feet (50') of a temporary driveway or right-of-way crossing shall be kept clear of all debris or residue at all times to allow for proper drainage. Culverts shall be installed at temporary entrances, as needed, to facilitate proper drainage flow. The Road Superintendent shall notify the operator of the requirement for a culvert based on good engineering and driveway maintenance practices.

Section 34-105 Warning Signs

Any person operating on county rights-of-way shall be required to post warning signs at least five hundred feet (500') on both sides of a temporary driveway adequately warning oncoming traffic of persons, vehicles, equipment or machinery entering the roadway.

Section 34-106 Maintenance of Roadway

County roads shall be kept serviceable and open at all times for school buses, emergency vehicles, mail carriers and traffic of the general public.

Section 34-107 Adjacent Properties

Operations conducted under this article shall not unreasonably interfere with vehicular and pedestrian traffic and the means of ingress and egress from the affected and adjacent properties.

Section 34-108 Supervision and Inspection

All work for which a permit is required under this article shall be subject to inspection and supervision by the road superintendent. The Chairman of the Board of Commissioners, or his designee, shall have the authority to order the applicant to cease all hauling and logging operations immediately when the weather conditions compromise public safety or public property or when operations are in violation of the standards of this article.

Section 34-109 Gravel and Approaches

The Road Superintendent may require the placement of gravel or prepared approaches to the county road or right-of-way when the duration of the operations or weather conditions require it. The standards applicable to such gravel and approaches shall be generally in accordance with the provisions of Section 39-601 of this Code.

Section 34-110 Damage

If damage has occurred to the county streets or roads during operations coming under this division, the operator having caused the damage shall undertake the repairs necessary to return the county road or right-of-way to its original condition.

Section 34-111 Liability for Damages and Arbitration

1. **Liability.** Any provisions of this article notwithstanding, any applicant or operator shall be liable to the county for the full amount of any damages caused by such operations, the amount of bond notwithstanding. In timber harvesting operations, the timber purchaser and the timber harvester shall be jointly liable.
2. **Arbitration.** If the parties cannot agree on the amount of damages, the applicant shall have the right to request arbitration in writing. The county shall choose one arbitrator and the operator shall choose the second, both of whom shall be residents of the county. Together, the two (2) designees shall choose a third arbitrator who shall be a registered forester residing in the county or a county contiguous thereto. Within thirty (30) days of their designation, such arbitration panel shall be subject to appeal to the county superior court.

Section 34-112 Notice Required

1. All persons or firms harvesting timber in any unincorporated area of the county for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside the state of Georgia shall provide notice of such harvesting operations to the Oglethorpe County Board of Commissioners or a designated agent at least ten (10) business days prior to cutting any such timber.
2. The prior written notice that shall be required of any person or firm harvesting timber for each separate tract to be harvested shall consist of:
 - A. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling logs of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road; and that
 - B. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purpose of ad valorem taxation under *O.C.G.A. § 48-7-7.5*;
 - C. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale of the timber owner if the harvest is an owner harvest.
 - D. The name, business address, business telephone number, and night time or emergency telephone number of the person or firm harvesting the timber.
3. Notice may be submitted in person, by transmission of an electronic record via telefacsimile or such other means as approved by Oglethorpe County or by mail and is received by Oglethorpe County in at least ten (10) business days prior to harvesting the timber.
4. The county shall require such persons or firms subject to such notice requirement to deliver a bond or letter of credit as provided in this paragraph in which case notice shall not be or remain effective for such harvesting operations unless and until the person or firm providing such notice has delivered to Oglethorpe County or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in Georgia, protecting the county against any damage caused by such person or firm in an amount specified by the county in an amount not to exceed five thousand dollars (\$5,000.00), or at the option of the person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in *O.C.G.A. § 7-1-4*, in the amount of and in lien of such bond. For purposes of this paragraph, any such surety bond or letter of credit shall be valid only for the calendar year in which it is delivered.
5. Notice shall be effective for such harvesting operation on such tract within such unincorporated area of the county upon receipt of notice by the county or its designated agent and compliance with the requirements of subparagraph 1 above until such time as the person or firm giving the notice has completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts required to provided for purposes of such notice shall be reported to the county or its designated agent within three (3) business days after such change.
6. The notice requirement shall be applicable to any such timber harvested on and after the effective date of this ordinance.
7. Violation of the notice requirements adopted pursuant to this ordinance and *O.C.G.A. § 12-6-24* shall be punishable by a fine not to exceed five hundred dollars (\$500.00). (*Amended 8/12/2002*)

ARTICLE II. DIVISION 2: PERMIT

Section 34-201 Required

No harvester shall use an existing driveway or access point nor shall install any new driveway, temporary driveway, or means of ingress and egress to any property abutting a county road or county-maintained road, without first making application to the Board of Commissioners through the Chairman of the Board of Commissioners, or his designee, and receiving a permit authorizing such installation or use.

Section 34-202 Application

The application for a permit required by this article shall consist of the following:

1. The name, address and telephone number of the party which will be loading or unloading;
2. The approximate location of access sites to the county road;
3. The date work will commence;
4. Name, address and telephone number of title owner of tract; name, address and telephone number of person responsible for landowner's interest, if title is not in the name of an individual;
5. Name, address and telephone number of entity purchasing timber from landowner if permit is being used for timber harvesting; and name, address and telephone number of person responsible.

Section 34-203 Bond Required

An applicant for a permit required by this article, unless otherwise exempted in this article, shall file a bond in the amount of five thousand dollars (\$5,000.00) with the application, an irrevocable letter of a surety bond. The bond shall be conditioned to protect and save harmless the Board of Commissioners from all claims and damages for cleaning and repairing any county road. Any operation lasting longer or expected to last longer than thirty (30) days shall be subject to a separate bond. (*Amended 8/12/2002*)

Section 34-204 Exemptions

Small and limited operations of less than three (3) tons in load, less than forty-eight (48) hours in duration, and using existing driveways may be exempted from the bonding requirements of this article, within the reasonable discretion of the Chairman of the Board of Commissioners, or his designee.

Section 34-205 Release of Bond

Upon completion of the operations authorized by a permit issued under this division, and inspection by the Road Superintendent, at the request of the applicant, the bond shall be returned to the applicant subject to deductions for repairs that are reasonably required under this article and were not completed by the harvester.

Section 34-206 Multiple Operations

A permit shall be required for each operation coming under the provisions of this article.

Section 34-207 Denial

No permit required by this division shall be issued to any applicant who has failed to satisfy any bonding requirements imposed upon persons engaged in the kind of work or activity proposed to be done or has not satisfactorily completed repairs and clean-up from any previously permitted operation.

Section 34-208 Display

It shall be the duty of any permittee under this division to post the permit issued to the applicant in a conspicuous place at the active entrance to the public road. It shall be unlawful for any person to exhibit a permit at or about any location not covered thereby, or to misrepresent the number of the permit or the date of the expiration of the permit.

Section 34-209 Cessation of Operations; Release of Liability

Upon completion of operations under this article, the operator shall give written or oral notification to the Chairman of the Board of Commissioners, or his designee. The site shall be inspected by the Road Superintendent and the Commissioners' office shall provide notice of release of liability to the operator within ten (10) days of notification of completion.

CHAPTER 35: SOIL EROSION AND SEDIMENTATION CONTROL

Section

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Section 35-101 Definitions

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

1. **Best Management Practices (BMPs).** These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
2. **Board.** The Board of Natural Resources.
3. **Buffer.** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Certified Personnel.** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. **Commission.** The Georgia Soil and Water Conservation Commission (GSWCC).
6. **CPESC.** Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.
7. **Cut.** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
8. **Department.** The Georgia Department of Natural Resources (DNR).
9. **Design Professional.** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.
10. **Director.** The Director of the Environmental Protection Division or an authorized representative.
11. **District.** The Broad River Soil and Water Conservation District.
12. **Division.** The Environmental Protection Division (EPD) of the Department of Natural Resources.
13. **Drainage Structure.** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
14. **Erosion.** The process by which land surface is worn away by the action of wind, water, ice or gravity.
15. **Erosion, Sedimentation and Pollution Control Plan.** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section 35-103(3) of this ordinance.
16. **Fill.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

17. **Final Stabilization.** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, one hundred percent (100%) of the soil surface is uniformly covered in permanent vegetation with a density of seventy percent (70%) or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.
18. **Finished Grade.** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
19. **Grading.** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
20. **Ground Elevation.** The original elevation of the ground surface prior to cutting or filling.
21. **Land-Disturbing Activity.** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 35-102, Paragraph 5.
22. **Larger Common Plan of Development or Sale.** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
23. **Local Issuing Authority.** The governing authority of any county or municipality which is certified pursuant to subsection (a) *O.C.G.A. § 12-7-8*.
24. **Metropolitan River Protection Act (MRPA).** A state law referenced as *O.C.G.A. § 12-5-440 et.seq.* which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
25. **Natural Ground Surface.** The ground surface in its original state before any grading, excavation or filling.
26. **Nephelometric Turbidity Units (NTU).** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
27. **NOI.** A Notice of Intent form provided by EPD for coverage under the State General Permit.
28. **NOT.** A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
29. **Operator.** The party or parties that have:
 - A. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
 - B. Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.
30. **Outfall.** The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
31. **Permit.** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
32. **Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
33. **Phase or Phased.** Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
34. **Project.** The entire proposed development project regardless of the size of the area of land to be disturbed.
35. **Properly Designed.** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.
36. **Roadway Drainage Structure.** A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by

intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

37. **Sediment.** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
38. **Sedimentation.** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
39. **Soil and Water Conservation District Approved Plan.** An erosion, sedimentation and pollution control plan approved in writing by the Broad River Soil and Water Conservation District.
40. **Stabilization.** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
41. **State General Permit.** The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
42. **State Waters.** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
43. **Structural Erosion, Sedimentation and Pollution Control Practices.** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.
44. **Trout Streams.** All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
45. **Vegetative Erosion and Sedimentation Control Measures.** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
 - A. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
 - B. Temporary seeding, producing short-term vegetative cover; or
 - C. Sodding, covering areas with a turf of perennial sod-forming grass.
 Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.
46. **Watercourse.** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
47. **Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 35-102

Exemptions

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in *O.C.G.A. § 12-7-6* and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least fifty (50) horizontal feet, but the Director may grant variances to no less than twenty-five (25) feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least twenty-five (25) horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of *O.C.G.A. § 12-7-6* and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;
5. Agricultural operations as defined in *O.C.G.A. § 1-3-3*, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within two hundred (200) feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of *O.C.G.A. § 12-7-7.1*; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in *O.C.G.A. § 12-7-6* as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in *O.C.G.A. § 36-18-1*, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory

jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in *O.C.G.A. § 36-18-1*, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in *O.C.G.A. § 12-7-6* as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

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

1. **General Provisions.** Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section III (2) & (3) of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.
2. **Minimum Requirements/Bmps.**
 - A. Best management practices as set forth in Section 35-103 (2) & (3) of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of *O.C.G.A. §12-5-30*, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in *O.C.G.A. §12-7-6* subsection (b).
 - B. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of *O.C.G.A. §12-5-30*, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
 - C. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 - D. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 - E. The LIA may set more stringent buffer requirements than stated in 3.O. and P., in light of *O.C.G.A. §12-7-6* (c).
3. The rules and regulations, ordinances, or resolutions adopted pursuant to *O.C.G.A. §12-7-1* et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the

Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- A. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
- B. Cut-fill operations must be kept to a minimum;
- C. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- D. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- E. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- F. Disturbed soil shall be stabilized as quickly as practicable;
- G. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- H. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- I. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of *O.C.G.A. §12-7-1 et. seq.*;
- J. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- K. Cuts and fills may not endanger adjoining property;
- L. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- M. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- N. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 35-103 2. B. of this ordinance;
- O. Except as provided in paragraph (16) of this subsection, there is established a twenty-five (25) foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to *O.C.G.A. §12-2-8*, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least twenty-five (25) feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - (1) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - (2) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and

- adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
- P. There is established a fifty (50) foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of twenty-five (25) gallons per minute or less shall have a twenty-five (25) foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- (1) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - (2) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
4. Nothing contained in *O.C.G.A. §12-7-1 et. seq.* shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 35-103 2. & 3. of this ordinance.
 5. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Section 35-104

Application/Permit Process

1. **General.** The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
2. **Application Requirements.**
 - A. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Oglethorpe County without first obtaining a permit from the Oglethorpe County Code Enforcement Officer to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
 - B. The application for a permit shall be submitted to the Oglethorpe County Code Enforcement Officer and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 35-104 3.. of this ordinance. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 35-103 2. & 3. of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by four (4) copies of the applicant's erosion, sedimentation and

pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.0.

- C. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of *O.C.G.A.* §12-5-23, provided that such fees shall not exceed eighty dollars (\$80.00) per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of *O.C.G.A.* 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of *O.C.G.A.* §12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
- D. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within thirty-five (35) days of receipt. Failure of the District to act within thirty-five (35) days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 35-103 3. O. & P. has been obtained, all fees have been paid, and bonding, if required as per Section 35-104 2. F., have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within thirty-five (35) days of receipt. Failure of the Local Issuing Authority with plan review authority to act within thirty-five (35) days shall be considered an approval of the revised Plan submittal.
- E. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
- F. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, three thousand dollars (\$3,000.00) per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

3. Plan Requirements.

- A. Plans must be prepared to meet the minimum requirements as contained in Section 35-103 2. and 3. of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to *O.C.G.A.* §12-7-20.
- B. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

4. Permits.

- A. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding

are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

- B. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 35-103 3. O. & P. are obtained, bonding requirements, if necessary, as per Section 35-104 2. F. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- C. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- D. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- E. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- F. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of *O.C.G.A. §12-7-7 (f) (1)*.

Section 35-105 Inspection and Enforcement

1. The Oglethorpe County Code Enforcement Officer will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
2. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
3. The Oglethorpe County Code Enforcement Officer shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
4. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
5. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to *O.C.G.A. §12-7-8 (a)*. The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
6. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance

with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to *O.C.G.A. § 12-7-8 (a)* has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to *O.C.G.A. § 12-7-7 (e)*, the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within ninety (90) days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Section 35-106 Penalties and Incentives

- 1. Failure to Obtain a Permit for Land-disturbing Activity.** If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- 2. Stop-work Orders.**
 - A.** For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
 - B.** For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
 - C.** All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 - D.** When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- 3. Bond Forfeiture.** If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 35-104 2. F.. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- 4. Monetary Penalties.**
 - A.** Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed two thousand five hundred dollars

(\$2,500.00) for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 35-107 Education and Certification

1. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to *O.C.G.A. §12-7-20*.
2. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
3. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
4. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of *O.C.G.A. §12-7-19*, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of *O.C.G.A. §12-7-19* and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Section 35-108 Administrative Appeal Judicial Review

1. **Administrative Remedies.** The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Oglethorpe County Board of Commissioners within thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.
2. **Judicial Review.** Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Oglethorpe County.

Section 35-109 Effectivity, Validity and Liability

1. **Liability.**
 - A. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
 - B. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
 - C. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

(Adopted 3/8/2004, Amended May 9, 2011)

CHAPTER 36: BUILDING REGULATIONS

Section

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ARTICLE I. BUILDING PERMITS

Section 36-101 When Required

It shall be unlawful to construct, alter, or repair any building or structure, or construct, erect, install, alter, or repair any structure or property without first filing with the Oglethorpe County Board of Commissions or their designee a written application on a form provided to obtain a formal permit which conforms with the requirements of this ordinance. The permits shall be obtained at least forty-eight (48) hours prior to beginning work on new projects or alterations. Permits for emergency work shall be requested within the next working business day.

(Amended 5/1/2009)

Section 36-102 Building Permit Requirements

All new construction that creates a footprint or expands an existing footprint will require a building permit.

While a building permit is required, there will be no fee or inspection for new stand-alone structures of less than 200 square feet. (Permits for electrical, plumbing or mechanical work may be required as applicable.) Prior to beginning work, optional building inspections are provided for a fee.

1. Maintenance, Repairs, and Alteration to Existing Structures:
 - A. Commercial Structures: Beyond general maintenance such as replacement of lamps, repairs and alterations shall require a building permit and subsequent inspection of work performed.

- B.** Residential Structures: Licensed contractors doing work within Oglethorpe County must obtain a building permit. All repair work or alterations which necessitate the disconnection and subsequent reconnection of electrical service to a structure shall require a permit and inspections.

Work accomplished by the homeowner within the homeowner's private residence or existing outbuilding does not require a permit unless prior to beginning the work, the homeowner requests inspections by the Oglethorpe County Building Inspector. For this work, the homeowner shall be solely responsible for ensuring that the work is being performed in a safe manner and complies with existing applicable codes.

(Amended 5/11/2009)

Section 36-103 Application Forms

1. An application for a permit shall be submitted on a form provided by the Oglethorpe County Board of Commissioners or their designee.
2. It shall be the responsibility of the property owner to ensure that a building permit is obtained by any contractor before work is commenced.
3. The application shall contain the full names and address of the applicants/contractors and of the owners.

Section 36-104 Plans and Specification

If required by the Oglethorpe County Board of Commissioners or their designee, two (2) sets of construction or other plans and two (2) sets of specifications shall accompany each permit application. Plans shall be drawn to scale and such clarity and detail as to fully show the nature and character of the work to be performed. Such plans and specifications shall contain the name and address and professional seal of the architect, engineer and/or designer and information in the form of notes or otherwise, as to the quality of material. Such information shall be specific.

Section 36-105 Septic Tanks

In the event Oglethorpe County Board of Health adopts regulations providing standards for the installation of septic tanks pursuant to *O.C.G.A. § 31-3-5.1* or similar legislation, a building permit for any residence, building, or other facility to be served by a septic tank cannot be issued unless the septic tank installation conforms to the Board of Health regulations.

Section 36-106 Issuance of Permit

The issuance or granting of a building permit shall not be construed to be approval for any violation of any applicable building code or ordinance. No permit presumes to give authority to violate or cancel any applicable code. The issuance of a permit based on an application shall not prevent the Oglethorpe County Board of Commissioners or their designee from thereafter requiring the correction of errors in the application, plans, or specifications, or from preventing the work from being carried on when in violation of the ordinances of Oglethorpe County.

Section 36-107 Conditions of Permits

All work performed under the building permit, shall conform to the approved application and plans and ordinances governing the work.

Section 36-108 Expiration of Permits

A permit under which no work been commenced within six (6) months after issuance or the work commenced is suspended or abandoned for six (6) months, shall expire by limitation and fees shall be forfeited. The application, plan and specifications shall require a new permit before work is started or resumed.

Section 36-109 Revocation of Permit

The Oglethorpe County Board of Commissioners or their designee may revoke a permit or approval issued under the provisions of the ordinance where it is shown that there has been a false statement or misrepresentation as to the material facts in the application or plans and specifications for which the permit or approval was based or if the building covered by the permit is in violation of any ordinances of the county.

Section 36-110 Permit Fees

Fees for permits shall be prescribed from time to time by the Oglethorpe County Board of Commissioners and shall be on file in the office of the Clerk of the Board of Commissioners. Building permit fees shall be set from time to time by the Board of Commissioners.

Section 36-111 Penalties

Any person who fails to obtain a building permit prior to beginning construction shall, upon conviction before the Oglethorpe County Magistrate Court and in addition to the cost of a building permit, be fined a minimum of fifty dollars (\$50) plus ten percent (10%) of the cost of the building permit up to an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding sixty (60) days at the discretion of the Oglethorpe County Magistrate Court. Pursuant to O.C.G.A. § 36-13-12, each and every day such violation continues shall be deemed a separate offense.

Any person who fails to obtain a building permit that covers the extent of construction shall, upon conviction before the Oglethorpe County Magistrate Court, be fined twenty-five dollars (\$25.00) plus the cost of the building permit to cover the additional construction square footage not covered by the initial building permit.

(Amended September 8, 2008)

Section 36-112 Other Remedies

The Oglethorpe County Board of Commissioners may institute an action for an injunction or other appropriate remedy or proceeding to prevent, correct, or abate the violation or threatened violation of this ordinance.

Section 36-113 Repeal of Conflicting Ordinances

Ordinances or parts of ordinances that conflict with this ordinance, are not preserved hereby and are hereby appealed.

Section 36-114 Effective Date

This ordinance shall become effective on March 8, 2004.

Section 36-115 Rules and Regulations

Oglethorpe County may adopt rules and regulations to implement this ordinance.

Section 36-116 Posting of Permit

Permit shall be posted in a location to allow it to be seen from the road.

(Adopted 3/8/2004)

ARTICLE II. BUILDING CODES

Section 36-201 Oglethorpe County Building Codes

The following Building Codes are incorporated into the Oglethorpe Building Codes and future changes applicable to Oglethorpe County are to be incorporated into subject codes.

1. Georgia Accessibility Code (Handicap) 120-3-20
2. International Building Code (IBC) - 2006 Edition with Georgia supplements and amendments 2007, 2009, 2010;
3. International Energy Conservation Code - 2009 Edition with Georgia supplements and amendments 2011;
4. International Existing Building Code - 2006 Edition with Georgia Amendments 2009;
5. International Fire Code (ICC), 2006 Edition, with Georgia Amendments 2007, 2010;
6. International Fuel Gas Code (IFGC) - 2006 Edition with Georgia amendments 2007, 2008, 2009, 2010;
7. International Mechanical Code (IMC) - 2006 Edition with Georgia amendments 2007, 2008, 2010, 2011;
8. International Plumbing Code (IPC) - 2006 Edition with Georgia amendments 2007, 2008, 2009, 2010, 2011;
9. International Private Sewage Disposal Code, 2006 Edition;
10. International Residential Code for One- and Two-Family Dwellings (ICC) - 2006 Edition with Georgia amendments 2007, 2008, 2009, 2010, 2011;
11. International Zoning Code, 2012 Edition;
12. National Electrical Code - 2008 Edition with Georgia amendments (2009)
13. National Fire Alarm and Signaling Code - 2010 Edition.

(Adopted 12/12/2005, amended 12/31/2010, 9/28/2011)

CHAPTER 37: FLOOD DAMAGE PREVENTION ORDINANCE

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ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section 37-101 Authorization

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Oglethorpe County, Georgia, does ordain as follows:

Section 37-102 Findings of Fact

1. The flood hazard areas of the unincorporated areas of Oglethorpe County, Georgia are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Section 37-103 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
4. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
5. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Section 37-104 Objectives

The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
3. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
4. To minimize expenditure of public money for costly flood control projects;
5. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
6. To minimize prolonged business interruptions, and;
7. To insure that potential home buyers are notified that property is in a flood area.

ARTICLE II. GENERAL PROVISIONS

Section 37-201 Lands to Which this Ordinance Applies

This ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of the unincorporated areas of Oglethorpe County, Georgia.

Section 37-202 Basis for Area of Special Flood Hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated December 17, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.

For those land areas acquired by a municipality through annexation, the current effective FIS dated December 17, 2010, with accompanying maps and other supporting data and any revision thereto, for the unincorporated areas of Oglethorpe County are hereby adopted by reference.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located: 109 East Boggs Street, Lexington, GA 30648 (mailing address: P.O. Box 403, Lexington, GA 30648).

Section 37-203 Establishment of Development Permit

A Development Permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any Development activities.

Section 37-204 Compliance

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

Section 37-205 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 37-206 Interpretation

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 37-207 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the unincorporated areas of Oglethorpe County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 37-208 Penalties for Violation

Failure to comply with the provisions of this ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than three (3) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Board of Commissioners of Oglethorpe County, Georgia from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE III. ADMINISTRATION

Section 37-301 Designation of Ordinance Administrator

The Oglethorpe County Planning and Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

Section 37-302 Permit Procedures

Application for a Development Permit shall be made to the Oglethorpe County Planning and Zoning Administrator on forms furnished by the community **PRIOR** to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

1. **Application Stage.**
 - A. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - B. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
 - C. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Section 37-402;
 - D. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;
2. **Construction Stage.** For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Oglethorpe County Planning and Zoning Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section 37-303 Duties and Responsibilities of the Administrator

Duties of the Oglethorpe County Planning and Zoning Administrator shall include, but shall not be limited to:

1. Review proposed development to assure that the permit requirements of this ordinance have been satisfied.
2. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
3. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
4. When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the Oglethorpe County Planning and Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article IV.
5. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Section 37-402(2).
6. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Section 37-302(2).

7. When flood-proofing is utilized for a structure, the Oglethorpe County Planning and Zoning Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Section 37-302(1)(c) and Section 37-402(2) or 404(2).
8. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
9. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
10. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
11. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Oglethorpe County Planning and Zoning Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
12. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Oglethorpe County Planning and Zoning Administrator and shall be open for public inspection.

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 37-401 General Standards

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

1. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
3. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
4. **Elevated Buildings.** All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - A. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one foot above grade; and,
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
 - B. So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
 - C. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
5. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

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

Section 37-402 Specific Standards

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

1. **New Construction And/or Substantial Improvements.** Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of Section 37-401(4), "Elevated Buildings".
 - A. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.
2. **Non-Residential Construction.** New construction and/or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Section 37-303(6).
3. **Standards for Manufactured Homes and Recreational Vehicles.** Where base flood elevation data are available:
 - A. All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.
 - B. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (1) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - (2) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - C. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. Section 37-401(6) above)
 - D. All recreational vehicles placed on sites must either:
 - (1) Be on the site for fewer than one hundred eighty (180) consecutive days.
 - (2) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or
 - (3) The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of Section 37-402(3)(A)(3), above.
4. **Floodway.** Located within Areas of Special Flood Hazard established in Section 37-202, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
 - A. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in **any** increase in flood levels or floodway

widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

- B. ONLY if Section 37-402(4)(1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article IV.

Section 37-403 Building Standards for Streams Without Established Base Flood Elevations And/or Floodway (A-zones)

Located within the Areas of Special Flood Hazard established in Section 37-202, where streams exist but no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Section 37-202, then the Oglethorpe County Planning and Zoning Administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article IV. ONLY if data are not available from these sources, then the following provisions (2&3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.
3. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 37-401(4) "Elevated Buildings".
 - A. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

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

Section 37-404 Standards for Areas of Special Flood Hazard (Zones Ae) with Established Base Flood Elevations Without Designated Floodways

Located within the Areas of Special Flood Hazard established in Section 37-202, where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 37-402.

Section 37-405 Standards for Areas of Shallow Flooding (Ao Zones)

Areas of Special Flood Hazard established in Section 37-202, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

1. All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 37-401(4), "Elevated Buildings".

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

2. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Section 37-302(1)(c) and 37-302(2).
3. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Section 37-406 Standards for Subdivisions

1. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage;
2. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4. For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

Section 37-407 Standards for Critical Facilities

1. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
2. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

ARTICLE V. VARIANCE PROCEDURES

1. The Oglethorpe County Board of Commissioners as established by Oglethorpe County shall hear and decide requests for appeals or variance from the requirements of this ordinance.
2. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Oglethorpe County Planning and Zoning Administrator in the enforcement or administration of this ordinance.
3. Any person aggrieved by the decision of the Oglethorpe County Board of Commissioners may appeal such decision to the Superior Court of Oglethorpe County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.
4. Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
5. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
6. Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
7. In reviewing such requests, the Oglethorpe County Board of Commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

8. **Conditions for Variances.** A variance shall be issued ONLY when there is:
 - A. A finding of good and sufficient cause,
 - (1) A determination that failure to grant the variance would result in exceptional hardship, and;
 - (2) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - B. The provisions of this Ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - C. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - D. The Oglethorpe County Planning and Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
9. Upon consideration of the factors listed above and the purposes of this ordinance, the Oglethorpe County Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ARTICLE VI. DEFINITIONS

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

1. **"Accessory Structure"** means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.
2. **"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".
3. **"Appeal"** means a request for a review of the Oglethorpe County Planning and Zoning Administrator 's interpretation of any provision of this ordinance.
4. **"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
5. **"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Section 37-202.
6. **"Base Flood,"** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
7. **"Base Flood Elevation (BFE)"** The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.
8. **"Basement"** means that portion of a building having its floor sub grade (below ground level) on all sides.
9. **"Building,"** means any structure built for support, shelter, or enclosure for any occupancy or storage.
10. **"Critical Facility"** means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:
 - A. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
 - B. Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
 - C. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
 - D. Generating plants, and other principal points of utility lines.

11. **"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.
12. **"Elevated building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
13. **"Existing Construction"** means for the purposes of determining rates, structures for which the "start of construction" commenced before November 1, 2006. [the effective date of the initial FIRM for that community].
14. **"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before May 11, 1998. [the effective date of the FIRST floodplain management regulations adopted by a community].
15. **"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
16. **"Flood"** or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - A. The overflow of inland or tidal waters; or
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
17. **"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.
18. **"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.
19. **"Flood Insurance Study"** the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.
20. **"Floodplain"** means any land area susceptible to flooding.
21. **"Flood Proofing,"** means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
22. **"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
23. **"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
24. **"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.
25. **"Historic Structure"** means any structure that is;
 - A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
26. **"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a

basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

27. **"Manufactured Home"** means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.
28. **"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
29. **"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
30. **"National Geodetic Vertical Datum (NGVD)"** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
31. **"New Construction"** means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced after November 1, 2006 [the effective date of the initial FIRM] and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after May 11, 1998 [the effective date of the FIRST floodplain management ordinance adopted by the community] and includes any subsequent improvements to such structures.
32. **"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after May 11, 1998 [the effective date of the first floodplain management regulations adopted by a community].
33. **"North American Vertical Datum (NAVD)"** has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.
34. **"Recreational Vehicle"** means a vehicle, which is:
 - A. Built on a single chassis;
 - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
35. **"Start of Construction"** means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
36. **"Structure"** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.
37. **"Subdivision"** the division of a single lot into two or more lots for the purpose of sale or development.
38. **"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
39. **"Substantial Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure prior to the "start of construction" of the improvement. *NOTE: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term*

includes structures, which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

- 40. **"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
- 41. **"Variance"** is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance.
- 42. **"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

(Adopted 7/12/2010)

CHAPTER 38: WATER CONSERVATION ORDINANCE

Section

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



Section 38-101 Definitions

1. **Commercial.** Any type of building other than residential.
2. **Construction.** The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.
3. **Residential.** Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel or motel.

Section 38-102 Residential Building Construction

No construction may be initiated within Oglethorpe County for any residential building of any type which:

1. Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of one and six tenths gallons (1.6 gals.) of water per flush;
2. Employs a shower head that allows a flow of more than an average of two and one-half gallons (2.5 gals.) of water per minute at sixty pounds per square inch of pressure (60 psi) ;
3. Employs a urinal that uses more than an average of one gallon (1 gal.) of water per flush;
4. Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than two gallons (2 gals.) of water per minute; or
5. Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than two and one half gallons of water per minute (2.5 G.P.M.).

Section 38-103 Commercial Building Construction

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

Section 38-104 Residential/Commercial Construction

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

Section 38-105 Exemptions

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

1. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings; or

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

The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subparagraphs 2, 3, or 4 of this section shall obtain the exemption by applying at the office of the building inspector for Oglethorpe County. A fee as determined by the Board of Commissioners shall be charged for the inspection and issuance of such exemption.

Section 38-106 Enforcement; Penalty

This chapter shall be enforced by the Oglethorpe County Code Enforcement Officer. Citations for violations may be issued by the Oglethorpe County Code Enforcement Officer.

A violation of this ordinance shall be punished pursuant to Section 1-109.

CHAPTER 39: LAND DEVELOPMENT REGULATIOONS

Section

ARTICLE I. ZONING ORDINANCE

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ARTICLE III. COMPREHENSIVE PLAN

ARTICLE IV. NORTHEAST GEORGIA REGIONAL SOLID WASTE MANAGEMENT PLAN

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ARTICLE I. ZONING ORDINANCE

The Zoning Ordinance of Oglethorpe County, Georgia, and as may be amended, are incorporated by reference as if fully set out herein.

ARTICLE II. SUBDIVISION REGULATIONS

The Subdivision Regulations of Oglethorpe County, Georgia, revised July 11, 2005 and as may be amended, are incorporated by reference as if fully set out herein.

ARTICLE III. COMPREHENSIVE PLAN

The Joint City/County Comprehensive Plan 2005-2025 Community Agenda for Oglethorpe County and cities of Arnoldsville, Crawford, Lexington, and Maxeys, adopted June 2006, is incorporated by reference as if fully set out herein.

ARTICLE IV. NORTHEAST GEORGIA REGIONAL SOLID WASTE MANAGEMENT PLAN

The Northeast Georgia Regional Solid Waste Management Plan, November 2004, and as may be amended, is adopted by reference as if fully set out herein.

(Adopted 11/04; Amended 2/14/2010)

ARTICLE V. ENVIRONMENTAL PROTECTION ORDINANCE OF OGLETHORPE COUNTY, GEORGIA

Section 39-501 Intent

The purpose and intent of this ordinance is to establish measures to protect and maintain the quality and quantity of the surface and ground waters of Oglethorpe County in order to provide for the health, safety, and welfare of the public and promote a healthy economic climate by ensuring the present and future water supply of Oglethorpe County and its communities, providing pollution, erosion, and flood control, providing habitat areas for fish, wildlife and vegetation; and providing recreational opportunities.

Section 39-502 River/stream Corridor Protection District

River/stream Corridors are the strips of land that flank the rivers and streams in Georgia.

Because the state of Georgia has determined that its river and stream corridors are of vital importance in that they help preserve those qualities that make a river or stream suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water; and

Because river and stream corridors are fragile natural resources subject to flood, erosion, soil-bearing capacity limitation, and other natural and human induced hazards; and

Because it is in the best interest of Oglethorpe County citizens to prevent flood damage to persons and properties and to minimize expenditures for flood relief programs, flood control projects, and flood damage repairs; and

Because river and stream corridors in their natural state serve multiple functions for pollution control, aquifer recharge and discharge, passage, storage, and absorption of flood water, and erosion and sedimentation control, as well as providing for habitat and free movement of wildlife from area to area within the state, education, scientific study, open space and recreation, and scenic and aesthetic beauty; and

Because the Comprehensive Planning Act of 1989 provides for the development of coordinated and comprehensive planning by municipal and county governments, and that such comprehensive plans shall consider the natural resources, environments, and vital areas within the jurisdiction of the local governments. The Oglethorpe County Comprehensive Plan recognizes the importance of river and stream corridors within the county and calls for the protection of all perennial rivers and streams of 1st, 2nd, and 3rd order or greater through the use of corridor buffers and development restrictions;

Therefore, the intent of this section is to provide for the protection of river and stream corridors through the use of buffers and the regulation of activities in or adjacent to those corridors; to prohibit certain activities and actions and to provide for minimum standards for regulated activities within river corridors and their buffers and to establish measures to guide future growth and development in the areas adjacent to the protected rivers/streams as defined herein.

- 1. District Established.** The River/stream Corridor Protection District is hereby designated and shall comprise all Oglethorpe County lands, inclusive of islands, waters, and areas included in the required protected buffer area, as specified in Section 39-502-5 Protection Criteria, herein. This district shall be further defined and delineated

on the River/stream Corridor Protection District Overlay Map. The Map is hereby incorporated into and made a part of this ordinance by reference.

Because stream channels move due to natural processes, such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purpose of this ordinance, the river/stream corridor shall be considered to be fixed at its position at the beginning of each review period for the local comprehensive plan as established by the Department of Community Affairs. Any shift in the location of the protected river/stream after the start of the review period shall require a revision of the boundaries of the river/stream corridor at the time of the next review by the Department of Community Affairs.

2. **Relationship to Zoning.** The River/stream Corridor Protection District shall comprise an overlay zone that supplements and shall be indicated on the Oglethorpe County Zoning Map.
3. **Relief Assessment.** Assessors and boards of assessors shall consider requirements of these regulations in determining the fair market value of land.
4. **Definitions.** For the purposes of this section, the following definitions shall apply:
 - A. **Development Permit.** This shall include building permits, rezoning applications, conditional use permit applications, variance applications, and preliminary and final subdivision plat applications.
 - B. **Hazardous Waste.** Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R, Section 261.3. (Note; This is same definition as used in the Georgia Hazardous Waste Management Act.)
 - C. **Land Disturbing Activity.** Grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, or the cutting of firewood for personal use.
 - D. **Natural Vegetative Buffer.** An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced by human intervention. The river corridor contains the flora native to that area. The natural flora for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river/stream corridor in order to maintain those species.
 - E. **Order.** Classification of streams using the Strahler Method (1957). A first-order stream has no perennial tributaries, a second-order stream is formed when two (2) or more first-order streams join together, and a third-order, or higher-order, stream is formed when one (1) or more second-order tributaries join together. A second-order or higher-order stream may have any number of lower-order streams emptying into it without having any effect on its order number. A higher-order results only when two (2) like-ordered streams are joined.
 - F. **Perennial River/stream.** Any river or section of river, stream, or watercourse that flows throughout the whole year (indicated by a solid blue line on a USGS 7 ½ minute topographical series map.)
 - G. **Protected River.** Any perennial river or watercourse with an average annual flow of at least four hundred cubic feet per second (400 cu. ft./sec.) as determined by appropriate U.S. Geological Survey documents. However, those segments of river covered by the Metropolitan River Protection Act or the Coastal Marshlands Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limits of the jurisdiction of the Coastal Marshlands Protection Act.
 - H. **Public Utility or Utilities.** A service or services provided by a public utility company or a private entity which provides such service or services and all equipment and structures necessary to provide such services.
 - I. **River/stream Bank.** The rising ground, bordering a stream or river, usually marked by a break in slope, which serves to confine the water to the natural channel during the normal course of flow.
 - J. **Sensitive Natural Area.** Any area, as identified now or hereafter by the Department of Natural Resources, which contains one (1) or more of the following:
 - (1) Habitat, including nesting sites, occupied by rare or endangered species;
 - (2) Rare or exemplary natural communities;
 - (3) Significant landforms, hydroforms, or geological features; or

- (4) Other areas so designated by the Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.
 - K. **Single-family Dwelling.** An individual detached dwelling structure that is designed for the use of one family.
5. **Protection Criteria.**
- A. **Perennial Rivers and Streams of the 1st or 2nd Order.** Except as otherwise specified herein, a natural vegetative buffer, measuring a minimum of seventy-five feet (75') or the width of the one hundred (100)-year flood plain, whichever is greater, shall be maintained at all times adjacent to all perennial rivers and streams of the 1st or 2nd order, as defined in Section 39-502-4, herein. The required buffer shall be measured horizontally from the uppermost part of the river/stream bank, usually marked by a break in slope and shall comprise all the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. § 12-5-280 through 12-5-293). Although not used for calculating the setback line of the measured buffer, the area between the top of the bank and the edge of the river/stream shall be subject to the same restrictions as the river/stream corridor buffer.
 - B. **Perennial Rivers and Streams of the 3rd Order or Greater.** Except as otherwise specified herein, Amended 10/11/2004, a natural vegetative buffer, measuring a minimum of **one hundred feet (150')** or the width of the one hundred (100)-year flood plain, whichever is greater, shall be maintained at all times adjacent to all perennial rivers and streams of the 3rd order or greater, as defined in Section 39-502-4, herein. The required buffer shall be measured horizontally from the uppermost part of the river/stream bank, usually marked by a break in slope and shall comprise all the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. § 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. § 12-5-280 through 12-5-293). Although not used for calculating the setback line of the measured buffer, the area between the top of the bank and the edge of the river/stream shall be subject to the same restrictions as The river/stream corridor buffer. *(Amended 10/11/2004)*
 - C. **Soil Erosion and Sedimentation Control.** Within the protected river/stream corridor, all permitted land disturbing activity shall comply fully with the Erosion and Sedimentation Control Act of 1975, as amended.
 - D. **Construction and Land Disturbing Activity Restrictions.** There shall be no buildings, structures, uses or accessory structures/uses, or any other construction or land disturbing activity located within the River/stream Protection Corridor except as specifically permitted in Section 39-502-6 Permitted Activities Within the River/stream Corridor and in Section 39-502-8, Exemptions, herein. For permitted construction activities, clearing, grading and soil disturbance shall be confined to those areas of the site actually required for construction. The edge of the construction area, beyond which construction traffic may not pass, must be fenced or ribboned in the field prior to construction and maintained and respected for the duration of construction. Outside the marked construction boundary, vegetation shall be left intact and earth shall be undisturbed.
 - E. **Restoration of Buffer.** The natural vegetative buffer shall be restored as quickly as possible following any permitted land-disturbing activity within the river/stream corridor.
 - F. **Best Management Practices Required.** Any permitted land disturbing activity within the River/stream Protection Corridor shall comply with "Best Management Practices."
 - G. **Septic Tanks And Septic Tank Drainfields.** Septic tanks and septic tank drainfields shall be prohibited within the River/stream Protection Corridor, except as specifically provided in Section 39-502-6, Permitted Activities Within the River/corridor, herein.
 - H. **Pervious/Impervious Surfaces.** All driveways, paths, walkways, etc., associated with any of the permitted uses specified in Section 39-502-6, Permitted Activities Within the River/Stream Protection Corridor, herein, and which are themselves located within the River/stream Protection Corridor shall be constructed of porous pavement or other pervious surfaces, constructed and maintained so as to be dust-free and to prevent erosion, siltation and movement of mud, soil or debris and excessive or detrimental stormwater runoff into rivers and streams and onto public or private lands, except where it is infeasible due to site-specific constraints such as steep unstable slopes, swelling soils, proximity of structural foundations, or steep slope of pavement sub-grade.
 - I. **Conflict with Other Regulation.** Wherever the requirements of this ordinance are at variance with those contained in the Metropolitan River Protection Act, the Coastal Marshlands Protection Act, and the Erosion and Sedimentation Act, or any other lawfully adopted rules, regulations ordinances, deed restrictions, or covenants, then the more restrictive requirements or those imposing the higher standard shall apply.

6. **Permitted Activities Within the River/stream Protection Corridor.** Subject to all of the requirements specified herein, the following development or construction shall be permitted within the River/stream Protection Corridor District;
- A. Single-family dwellings, including the usual appurtenances, shall be permitted within the buffer area, subject to the following conditions:
 - (1) The dwelling must be located on a tract of land containing a minimum of five (5) acres, with a minimum width of four hundred feet (400'). Where a tract includes any portion of the protected river or stream, the area between the riverbanks shall not be counted toward the five (5) acre minimum tract size.
 - (2) There shall be only one (1) such dwelling unit permitted on each individual lot.
 - (3) No buildings or other impervious structures or uses shall be located within the one hundred (100)-year floodplain.
 - (4) Septic tank(s) serving the dwelling may be located within the buffer, provided they shall not be located within the one hundred (100)-year floodplain and shall comply with the regulations of the Oglethorpe County Health Department.
 - (5) Septic tank drain fields shall be prohibited within the buffer area.
 - (6) The dwelling and its customary appurtenances shall comply with all local zoning regulations, building codes, Health Department regulations and any other applicable local regulations.
 - B. Timber production and harvesting provided that:
 - (1) The activity is consistent with "Best Management Practices" established by the Georgia Forestry Commission; and
 - (2) The activity does not impair the drinking quality of the water as defined by the Clean Water Act, as amended, or impair the long term functions of the protected river/stream or the river/stream corridor; and
 - (3) The activity must be consistent with all other applicable federal, state, and local laws, and must comply with this ordinance.
 - C. Wildlife and fisheries management activities consistent with the purposes of *O.C.G.A. § 12-2-8*.
 - D. Agricultural uses, excluding certain intensive agricultural operations as specified in this ordinance and excluding buildings or other impervious structures or uses; and provided that:
 - (1) Land application of animal waste shall be prohibited within the required buffer area or within the one hundred (100)-year flood plain.
 - (2) The activity shall be consistent with the "Best Management Practices" established by the Georgia Department of Agriculture and the Georgia Soil and Water Conservation Commission; and
 - (3) The activity shall not impair the drinking quality of the river/stream water as defined by the Federal Clean Water Act, as amended; and
 - (4) The activity shall be consistent with oil other applicable federal, state, and local laws, ordinances, and regulations, and all regulations promulgated by the Georgia Department of Agriculture, and must comply with this ordinance.
 - E. Recreational usage, provided it is consistent with the maintenance of a natural vegetative buffer or with river dependent recreation, including but not limited to, swimming, fishing, boating, hiking and nature trails, excluding buildings or other impervious structures or uses except structures for temporary shelter. For example, a boat ramp would be consistent with this criterion, but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways may be constructed within the river/stream corridor provided such paths shall be pervious, not more than eight feet (8') wide, suitable for pedestrian use in all weather, and constructed so as to minimize soil erosion or damage to trees or other natural features.
 - F. Public natural water quality treatment or purification.
 - G. Public waste-water treatment facilities.
 - H. Construction of road crossings and utility crossings shall be permitted within the river/stream corridor, provided that the construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, as amended, all applicable local ordinances on soil erosion and sedimentation control, and any other applicable Federal, State, or local ordinances.
 - I. Other uses permitted by the Department of Natural Resources or under § 404 of the Clean Water Act, as amended that are not specifically prohibited by this ordinance.

- 7. Prohibited Activities Within the River/stream Corridor.** There shall be no activities, buildings, structures, or accessory structures/uses permitted within the River Corridor Protection District except as specifically permitted in Section 39-502-6, Permitted Activities Within the River/stream Corridor, herein. The following specific prohibited uses and activities are listed for emphasis.
- A.** Septic tanks and septic tank drain fields are prohibited in the river/stream corridor, except as expressly provided in Section 39-502-6, Permitted Activities Within the River/stream Corridor, of this ordinance.
 - B.** Hazardous waste, toxic waste, or solid waste landfills, or construction and demolition (C&D) landfills.
 - C.** Commercial or industrial uses that generate or involve handling hazardous or toxic materials other than wastes, including any handling areas for the receiving and storage of hazardous or toxic waste.
 - D.** Surface mining or other mining or quarry activities, including any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for use in the regular operation of a business.
 - E.** Intensive agricultural facilities for animal containment or agricultural waste impoundment, and the land application of manure/waste.
- 8. Exemptions.** The following uses are exempted from the river corridor protection plan:
- A.** Land uses already in existence in the river/stream corridor prior to the effective date of this ordinance shall be exempt from the protection requirements for river/stream corridors herein, provided that:
 - (1) These uses do not impair the drinking quality of the river/stream water; and
 - (2) These uses meet oil state and federal environmental rules and regulations;
 - (3) Any additions or expansions to said uses shall be subject to the provisions of this ordinance.For the purposes of this ordinance a pre-existing use is defined as any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance falls within one of the following categories:
 - (1) Is completed;
 - (2) Is under construction;
 - (3) Is fully approved by the governing authority;
 - (4) All materials have been submitted for approval by the governing authority; or
 - (5) Is zoned for such use and expenditures in excess of two thousand five hundred dollars (\$2,500.00) have been made in preparation for construction in accordance with such zoning.
 - B.** Utilities (except as discussed above in Section 39-520-6, paragraph H), if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - (1) The utilities shall be located as far from the river bank as reasonably possible;
 - (2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - (3) Utilities shall not impair the drinking quality of the river water.
- 9. Permits.** No land disturbing activity, construction, or other development within the River/stream Corridor Protection District shall be conducted without the appropriate Development Permits. No Development Permit or subdivision plan shall be approved by the Oglethorpe County Board of Commissioners or its designated planning official(s) unless the permit, request or plan is in compliance with the requirements specified in this ordinance and with the requirements of any other applicable local, state, and federal regulations.
- A.** Application for a Development Permit within the River/Stream Corridor Protection District shall be made pursuant to Section 39-506, Administration, in this ordinance.
 - B.** Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. Filing fees up to the larger of five hundred dollars (\$500.00) or one hundred dollars (\$100.00) per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Board of Commissioners or their designated official(s).
 - C.** An emergency temporary disturbance permit may be issued by the Board of Commissioners or their designated official(s), through written or oral authorization, provided a written permit is accomplished within five (5) days, if it is deemed that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted. The emergency permit may be terminated at any time without process upon a determination by the Board of Commissioners or their designated official(s) that the action was not or is no longer necessary to protect human health or the environment. The Board of Commissioners may, within ninety (90) days of granting the emergency permit, require that the action be

resubmitted for a regular permit, as specified herein, and subject to any or all of the terms and provisions of this ordinance.

10. **Site Plan Requirements.** In addition to the site plan requirements, as specified in Section 39-506, Administration, in this ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the River/stream Corridor Protection District shall also include a detailed site plan, drawn at a scale of one inch equals fifty feet (1"= 50'), with the following information:
 - A. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
 - B. A map of any wetland and floodplain boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
 - C. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred feet (200').
 - D. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 - E. Elevations of the site and adjacent lands within two hundred feet (200') of the site at contour intervals of no greater than two feet (2'); and no greater than one foot (1') for slopes less than or equal to two percent (2%).
 - F. All proposed temporary disruptions or diversions of local hydrology.
11. **Exemptions to Site Plan Requirements.** The following activities and developments are exempt from the requirement for additional detailed site plans as specified in Section 39-520-10, Site Plan Requirements, herein.
 - A. Single-family detached homes constructed within a subdivision of fewer than three (3) parcels;
 - B. Repairs to a facility that is part of a previously approved and permitted development;
 - C. Construction of minor structures, such as sheds or additions to single family residences.
12. **Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Board of Commissioners or their designated official(s). Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

Section 39-503 Water Supply Watershed Protection District

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Oglethorpe County and its communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering waters resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose and intent of this district is to establish measures to protect the quality and quantity of the present and future water supply of Oglethorpe County and its communities; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to all existing and proposed water supply watersheds within Oglethorpe County.

1. **District Established.** The Water Supply Watershed Protection District is hereby designated and shall comprise the land which drains to the City of Crawford public water supply intake on Town Creek (a tributary to Long Creek) to the ridge line of the watershed. The boundaries of the Water Supply Watershed Protection District are defined by the ridge lines of the respective watersheds and the boundary of a radius of seven miles (7 mi.) upstream of the respective public water supply intakes or reservoirs. These overlays shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of Oglethorpe County. The map is hereby incorporated into and made a part of this ordinance by reference.

The following water supply watershed districts and reservoirs are hereby defined and the boundaries shall be identified on the Water Supply Watershed District Overlay Map:

Town Creek (a tributary to Long Creek Watershed) is a small water supply watershed that lies partially within the boundaries of the City of Crawford and partially within unincorporated Oglethorpe County. A small reservoir and water supply intake owned by the City of Crawford are located on this creek within unincorporated Oglethorpe County. The City of Crawford has a reservoir management plan in place.

2. **Relationship to Zoning.** The Town Creek (a tributary to Long Creek) Water Supply Watershed Protection District shall comprise an overlay zone that supplements and is indicated on the Oglethorpe County Zoning Map.
3. **Assessment Relief.** Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.
4. **Definitions.** For the purposes of this section, the following definitions shall apply:
 - A. **Development Permit.** This shall include building permits, rezoning applications, conditional use permit applications, variance applications, and preliminary and final subdivision plat applications.
 - B. **Corridor.** All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in this ordinance.
 - C. **Impervious Surface.** A man-made structure or surface that prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, paved roads, driveways, parking lots, concrete or other solid surface patios, decks, swimming pools.
 - D. **Large Water Supply Watershed.** A watershed containing one hundred square miles (100 sq. mi.) or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
 - E. **Perennial Stream.** A stream that flows throughout the whole year as indicated on a USGS Quad Map.
 - F. **Reservoir Boundary.** The edge of a water supply reservoir defined by its normal pool level.
 - G. **Small Water Supply Watershed.** A watershed that contains less than one hundred square miles (100 sq. mi.) of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
 - H. **Utility.** Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.
 - I. **Vegetative Buffer.** An undeveloped natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.
 - J. **Water Supply Reservoir.** A governmentally owned impoundment of water for the primary purpose of providing water to one (1) or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corp of Engineers.
 - K. **Water Supply Watershed.** The area of land upstream of a governmentally owned public drinking water intake.
5. **Protection Criteria.** In addition to any other limitations on land use as specified in this ordinance, or by any other applicable local, state, or federal regulations, the following regulations shall apply to the Town Creek (a tributary to Long Creek) Water Supply Watershed identified on the Adopted Map as a small water supply watershed. Wherever the requirements specified herein are at variance with those contained in any other lawfully enacted rules, regulations, ordinances, deed, restrictions, or covenants, then the more restrictive requirements or those imposing the higher standard shall apply.
 - A. The corridors of all perennial streams within a seven mile (7 mi.) radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
 - (1) A vegetative buffer consistent with the requirements specified in Section 39-502, River/stream Corridor Protection District, Subsection 39-502-5, Protection Criteria, herein, or measuring a minimum of one hundred feet (100') in width or the width of the one hundred (100)-year flood plain, whichever is greater, shall be maintained on both sides of the stream as measured from the stream banks.
 - (2) No impervious surface shall be constructed within a minimum one hundred fifty foot (150') setback area on both sides of the stream, as measured from the stream banks, or within the one hundred (100)-year flood plain, whichever is greater.

- (3) All septic tanks and septic tank drain fields shall be prohibited within the buffer area as specified in paragraph A(1), above, or within the one hundred fifty foot (150') setback area as described in paragraph A(2), above, whichever is greater.
 - B. The corridors of all perennial streams outside a seven mile (7 mi.) radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
 - (1) A vegetative buffer consistent with the requirements specified in Section 39-502, River/stream Corridor Protection District, Subsection 39-502-5, Protection Criteria, herein, or measuring a minimum of one hundred feet (100') in width or the width of the one hundred (100)-year floodplain, whichever is greater, shall be maintained on both sides of the stream as measured from the stream banks.
 - (2) No impervious surface shall be constructed within the one hundred (100)-year floodplain, or within a seventy-five foot (75') setback area on both sides of the stream, as measured from the stream banks, whichever is greater.
 - (3) Septic tanks shall be prohibited within the river/stream corridor buffer area, as specified in paragraph A(1), above, except as expressly provided in Subsection 39-502-6, Permitted Activities Within the River/stream Corridor, paragraphs A(4) and A(5) of this ordinance, provided that in no case shall any septic tank be located within the one hundred (100)-year flood plain or within the seventy-five foot (75') setback area as described in paragraph B(2), above, whichever is greater.
 - Septic tank drain fields shall be prohibited within the river/stream corridor buffer area, as specified in paragraph A(1), above.
 - C. The Crawford Reservoir is owned by the City of Crawford and will be protected as described in the City of Crawford's Reservoir Management Plan, dated November 6, 2000. The allowable buffer vegetation and disturbance shall be as specified in said Reservoir Management Plan.
 - D. The total impervious surface area, including all public and private structures, utilities, or facilities, shall be limited to twenty-five percent (25%) of the land area within the entire water supply watershed protection district, or the existing use at the adoption of this ordinance, whichever is greater.
 - E. New facilities that generate or involve handling hazardous or toxic materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of ten thousand pounds (10,000 lbs.) or more on any one day, shall be prohibited from the buffer area. Any such facilities already in existence at the time of the adoption of this ordinance shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
 - F. Hazardous waste, toxic waste, or solid waste landfills, or construction and demolition (C&D) landfills shall be prohibited.
 - G. Surface mining or other mining or quarry activities, including any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for use in the regular operation of a business shall be prohibited.
 - H. Intensive agricultural facilities for animal containment or agricultural waste impoundment shall be prohibited. The land application of manure/waste shall be prohibited from the buffer area.
6. **Exemptions to the Protection Criteria.** The following uses shall be exempted from the protection criteria specified in Subsection 39-503-5, Protection Criteria, herein:
- A. Land uses already in existence prior to the effective date of this ordinance shall be exempt from the protection criteria herein, provided that:
 - (1) These uses do not impair the drinking quality of the river/stream water; and
 - (2) These uses meet all state and federal environmental rules and regulations.
 - (3) Any additions or expansions to said uses shall be subject to the provisions of this ordinance.
- For the purposes of this ordinance a pre-existing use shall be defined as any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of this ordinance falls within one of the following categories.
- (1) Completed;
 - (2) Under construction;
 - (3) Fully approved by the governing authority;
 - (4) All materials have been submitted for approval by the governing authority; or

- (5) Zoned for such use and expenditures in excess of two thousand five hundred dollars (\$2,500.00) have been made in preparation for construction in accordance with such zoning.
 - B. Utilities, if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:
 - (1) The utilities shall be located as far from the river bank as reasonably possible;
 - (2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - (3) Utilities shall not impair the drinking quality of the river water.
 - C. Normal forestry activities, in the stream corridor buffer and setback areas in accordance with the following conditions.
 - (1) The activity shall be consistent with "best management practices" established by the Georgia Forestry Commission;
 - (2) The activity shall not impair the quality of the drinking water of the stream.
 - D. Normal agricultural activities, not specifically prohibited in Subsection 39-503-5, Protection Criteria, herein, provided:
 - (1) The activity shall be consistent with the "best management practices" established by the Georgia Department of Agriculture.
 - (2) The activity shall not impair the quality of the drinking water of the stream.
7. **Permits.** Within the Water Supply Watershed Protection District, no land disturbing activity, construction, or other development, or other regulated activity or use, except for certain exempted activities identified herein, shall be conducted without the appropriate Development Permits from the Oglethorpe County Board of Commissioners or its designated official(s). No permit or subdivision plan shall be approved unless the permit, request or plan is in full compliance with the requirements specified in this ordinance and with the requirements of any other applicable local, state, and federal regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.
- A. Application for a Development Permit within the River/stream Corridor Protection District shall be made pursuant to Section 39-506, Administration, in this ordinance.
 - B. Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. Filing fees up to the larger of five hundred dollars (\$500.00) or one hundred dollars (\$100.00) per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the Board of Commissioners or their designated official(s).
 - C. The Board of Commissioners or their designated planning official(s) may require a bond up to the larger of five thousand dollars (\$5,000.00) or one thousand dollars (\$1,000.00) per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the Board of Commissioners or their designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.
 - D. The county shall impose conditions on any permit necessary to assure that any adverse impacts upon the functions and values of the Town Creek (a tributary to Long Creek) Water Supply Watershed are prevented or kept to a minimum.
 - E. An emergency temporary disturbance permit may be issued by the Board of Commissioners or their designated official(s), through written or oral authorization, provided a written permit is accomplished within five (5) days, if it is deemed that an unacceptable threat to life or severe loss of property will occur if an emergency permit is not granted. The emergency permit may be terminated at any time without process upon a determination by the Board of Commissioners or their designated official(s) that the action was not or is no longer necessary to protect human health or the environment. The Board of Commissioners may, within ninety (90) days of granting the emergency permit, require that the action be resubmitted for a regular permit, as specified herein, and subject to any or all of the terms and provisions of this ordinance.
8. **Site Plan Requirements.** In addition to the site plan requirements, as specified in Section 39-506, Administration, in this ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the Water Supply Watershed Protection District shall also include a detailed site plan, (drawn at a scale of one inch equals fifty feet [1"= 50']) with the following information:

- A. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings;
 - B. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant;
 - C. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred feet (200');
 - D. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body;
 - E. Elevations of the site and adjacent lands within two hundred feet (200') of the site at contour intervals of no greater than two feet (2'); and no greater than one foot (1') for slopes less than or equal to two percent (2%).
 - F. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - G. All proposed temporary disruptions or diversions of local hydrology.
9. **Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of the Oglethorpe County Board of Commissioners or their designated planning official(s). The Oglethorpe County Board of Commissioner or their designated planning official(s) may require additional information deemed necessary to verify compliance with the provisions of this ordinance or to evaluate the proposed use in terms of the purposes of this ordinance.
10. **Map Amendment.** These regulations and the Water Supply Watershed Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding, or plant species peculiar to wetlands becomes available.

Section 39-504 Wetlands Protection District

The wetlands within Oglethorpe County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare. It is therefore necessary for Oglethorpe County to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of this section is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this section is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature, and wildlife habitat.

- 1. **District Established.** The Wetlands Protection District shall consist of all the wetlands within the jurisdiction of Oglethorpe County that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Generalized Wetlands Map. The Generalized Wetlands Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within Oglethorpe County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.
- 2. **Relationship to Zoning.** The Wetland Protection District shall comprise an overlay zone that supplements and is indicated on the Oglethorpe County Zoning Map.
- 3. **Assessment Relief.** Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a

conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of public improvements such as sanitary sewers, storm sewers and water mains.

4. Definitions.

- A. Generalized Wetland Map.** The current U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Maps for Oglethorpe County, Georgia.
- B. Jurisdictional Wetland Determination.** A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.
- C. Jurisdictional Wetland.** An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.
- D. Regulated Activity.** Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of The United States, excepting those activities exempted in Section 404 of the Federal Clean Water Act.
- E. Development Permit.** This shall include building permits, rezoning applications, conditional use permit applications, variance applications, and preliminary and final subdivision plat applications.
- F. Wetlands.** Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions That involve a temporary or permanent source of water to cause soil saturation.

5. Permitted Uses in the Wetlands Protection District. The following uses shall be allowed as of right within a Wetland Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein. (The activities listed in this section are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.)

- A.** Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
- B.** Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- C.** Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- D.** The cultivation of agricultural crops, provided such agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- E.** The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
- F.** Education, scientific research and nature trails.

6. Prohibited Uses in the Wetlands Protection District. There shall be no activities permitted within the Wetlands Protection District except as specifically permitted in Subsection 30-504-5 Permitted Uses in the Wetlands Protection District, herein. The following specific prohibited uses and activities are listed for emphasis:

- A.** Receiving areas for toxic or hazardous waste or other contaminants;
- B.** Hazardous or sanitary waste landfills.

7. Permits. No regulated activity will be permitted within the Wetland Protection District without a permit from the Oglethorpe County Board of Commissioners or their designated Official(s). Issuance of a local Development Permit is contingent on full compliance with the terms of this ordinance and any other applicable local, state, and federal regulations.

If the proposed project appears to be near or within a wetlands boundary, the designated Oglethorpe County planning official(s) shall compare the proposed project locations to the Generalized Wetlands Map. If the proposed project appears to be within fifty feet (50') of a wetlands boundary, the designated official(s) shall refer the developer or applicant to the U. S. Army Corps of Engineers for a determination prior to issuing a local permit. If the U. S. Army Corps of Engineers determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a local Development Permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.

- A. Application for a local development permit shall be made pursuant to Section 39-506, Administration, in this ordinance.
 - B. Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. Filing fees up to the larger of five hundred dollars (\$500.00) or one hundred dollars (\$100.00) per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the Oglethorpe County Board of Commissioners or their designated official(s).
 - C. The Board of Commissioners or their designated planning official(s) may require a bond up to the larger of five thousand dollars (\$5,000.00) or one thousand dollars (\$1,000.00) per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the Board of Commissioners or their designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.
 - D. The county shall impose conditions on any permit necessary to assure that any adverse impacts upon the functions and values of the wetlands are prevented or kept to a minimum.
8. **Site Plan Requirements.** In addition to the site plan requirements, as specified in Section 39-506, Administration, in this ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the Wetlands Protection District shall also include a detailed site plan, drawn at a scale of one inch equals fifty feet (1"= 50'), with the following information:
- A. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
 - B. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
 - C. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred feet (200').
 - D. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 - E. Elevations of the site and adjacent lands within two hundred feet (200') of the site at contour intervals of no greater than two feet (2'); and no greater than one foot (1') for slopes less than or equal to two percent (2%).
 - F. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - G. All proposed temporary disruptions or diversions of local hydrology.
9. **Activities to Comply with Site Plan.** All development activities or site work conducted offer approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of the Oglethorpe County Board of Commissioners or their designated planning Official(s). The Oglethorpe County Board of Commissioners or their designated planning official(s) may require additional information deemed necessary to verify compliance with the provisions of this ordinance or to evaluate the proposed use in terms of the purposes of this ordinance.
10. **Map Amendment.** These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

Section 39-505

Groundwater Recharge Area Protection District

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Oglethorpe County, it is essential that the quality of public drinking water be ensured, It is therefore necessary to protect the subsurface water resources Oglethorpe County and its communities rely on as sources of public water.

Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of permeable rock strata beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface know as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant

groundwater recharge areas. It is therefore necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

The objectives of this section are to: 1) protect the groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas; 2) protect the groundwater by limiting density of development; and, 3) protect the groundwater by ensuring That the development that occurs within the recharge area shall have no adverse effect on groundwater quality.

1. **Establishment of a Groundwater Recharge Area District.** A Groundwater Recharge Area Protection District is hereby established which shall correspond to all lands within the jurisdiction of Oglethorpe County, Georgia, that are mapped as most significant recharge areas by the Georgia Department of Natural Resources in Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this ordinance.
2. **Relationship to Zoning.** The Groundwater Recharge Area Protection District shall comprise an overlay zone that supplements and shall be indicated on the Oglethorpe County Zoning Map.
3. **Assessment Relief.** Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.
4. **Definitions.**
 - A. **Development Permit.** This shall include building permits, rezoning applications, conditional use permit applications, variance applications, and preliminary and final subdivision plat applications.
 - B. **DRASTIC.** The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035. (*Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility*).
 - C. **Pollution Susceptibility.** The relative vulnerability of an aquifer to being polluted from spills, discharges, teaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.
 - D. **Pollution Susceptibility Map.** Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrology Atlas 20: Groundwater Pollution Susceptibility Map of Georgia)
 - E. **Recharge Area.** Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.
 - F. **Significant Recharge Areas.** Areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 20 (1992 edition).
5. **Determination of Pollution Susceptibility.** Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this ordinance.
6. **Groundwater Protection Criteria.**
 - A. No construction may proceed on a building or mobile home to be served by a septic tank unless the Oglethorpe County Health Department first approves the proposed septic tank installations as, at minimum, meeting the requirements of the Georgia Department of Human Resource for On-Site Sewage Management (hereinafter DHR Manual), and Paragraphs B and C, below.
 - B. The minimum lot size requirements for new homes served by a septic tank/drain field system in the Groundwater Recharge Area Protection District shall be the greater of either: 1) the minimum lot size requirements as specified in existing applicable county ordinances, or 2) the minimum size limitations based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1) as delineated in paragraphs (1), (2), and (3) below. The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual. The more restrictive lot size requirements or higher standards shall apply.
 - (1) One hundred fifty percent (150%) of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;
 - (2) One hundred twenty-five percent (125%) of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area;
 - (3) One hundred ten percent (110%) of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
 - C. The minimum lot size requirements for new mobile home parks served by septic tank/drainfield systems in the Groundwater Recharge Area Protection District shall be the greater of either: 1) the minimum lot size requirements as specified in existing applicable Oglethorpe County Ordinances, or 2) the minimum

size limitations based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2) as delineated in paragraphs (1), (2), and (3) below. The minimums set forth in Table MT-2 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual. The more restrictive lot size requirements or higher standards shall apply.

- (1) One hundred fifty (150%) of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a high pollution susceptibility area;
 - (2) One hundred twenty-five (125%) of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a medium pollution susceptibility area;
 - (3) One hundred ten percent (110%) of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a low pollution susceptibility area.
- D. Land disposal of hazardous waste shall be prohibited.
- E. New waste disposal facilities shall be prohibited.
- F. New agricultural waste impoundment facilities shall be prohibited.
- G. New aboveground chemical or petroleum storage tanks, having a minimum volume of six hundred sixty gallons (660 gal.), shall have secondary containment for one hundred ten percent (110%) of the volume of such tanks or one hundred ten percent (110%) of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
- H. New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of ten thousand pounds (10,000 lbs.) or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.
- I. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.
7. **Exemptions From Protection Criteria.** Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in Subsection 39-505-6, Groundwater Protection Criteria, paragraphs B and C, of this ordinance.
8. **Permits.** No construction activity or other development within the Groundwater Recharge Area Protection District shall be conducted without the appropriate Development Permits. No Development Permits or subdivision plan shall be approved by the Oglethorpe County Board of Commissioners or its designated Planning Official(s) unless the permit, request or plan is in compliance with the requirements specified in this ordinance and with the requirements of any other applicable local, state, and federal regulations.
 - A. Application for a local development permit shall be made pursuant to Section 39-506, Administration, in this ordinance. At the time of the application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners.
 - B. Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners.
9. **Site Plan Requirements.** In addition to the site plan requirements, as specified in Section 39-506, Administration, in this ordinance, or in any other applicable local ordinances or regulations, all applications for a local Development Permit within the Groundwater Recharge Area Protection District shall also include a detailed site plan, drawn at a scale of one inch equals fifty feet (1"= 50'), with the following information:
 - A. All planned improvements including the width, depth and length of all existing and proposed structures, roads, watercourses and drainage ways; water, wastewater, and storm water facilities; and utility installations.
 - B. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.
 - C. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 - D. Elevations of the site and adjacent lands within two hundred feet (200') of the site at contour intervals of no greater than five feet (5').
 - E. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 - F. Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings.

10. **Exemptions to Site Plan Requirements.** The following activities and development are exempt from the requirement for additional detailed site plans, as specified in Subsection 39-505-9, above:
 - A. Single-family detached dwellings constructed within a subdivision of fewer than three (3) parcels.
 - B. Repairs to a facility that is part of a previously approved and permitted development.
 - C. Construction of accessory buildings, such as sheds, or additions to single-family residences.
11. **Activities to Comply with Site Plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of Oglethorpe County Board of Commissioners or its designated planning official(s). Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

Section 39-506

Administration

1. **Conformance to Regulations.** No building or land shall hereafter be used or occupied except in conformity with the regulations herein specified for the district in which it is located. There shall be no land disturbing activity, no development of any type, no construction of any type, no building, structure or part thereof, constructed, erected, enlarged, structurally altered, converted, moved or demolished, without first obtaining a development permit and/or any other permits or approvals as may be required by this ordinance or any other applicable local, state, or federal ordinances. No development permit shall be issued except in conformance with the provisions of said ordinances.
2. **Development Permits.** The term Development Permits includes local permits or approvals issued for construction or land disturbing activities, rezoning, conditional use, variances, and preliminary and final subdivision plat applications as specified by the Oglethorpe County Zoning Ordinance, the Oglethorpe County Subdivision Regulations, or by any other regulations or ordinances duly adopted by Oglethorpe County and subject to the requirements and review procedures as specified in the applicable regulations and ordinances.
 - A. Permits shall be issued only if the activity is in compliance with approved site plans and this ordinance and any other applicable state, federal and local regulations. The Oglethorpe County Board of Commissioners or their designated official(s) shall impose conditions on any permit necessary to assure that any adverse impacts are prevented or kept to a minimum.
 - B. Along with the permit application, the applicant shall pay a filing fee as specified by the Oglethorpe County Board of Commissioners. The Board of Commissioners may establish filing fees sufficient to retain the services of expert consultants, if deemed necessary by the Board of Commissioners or their designated official(s) for the proper evaluation of the application.
 - C. The Board of Commissioners or their designated planning official(s) may require a bond up to the with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the Board of Commissioners or their designee may collect such bond or institute on action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.
 - D. Permits may be revoked for failure to comply with regulatory guidelines, including conditions or limitations attached to the permit, or if the scope of work exceeds that set forth in the permit.
3. **Building Permits.** An application for a building permit shall include any necessary data required by the Board of Commissioners or their designated planning official(s) to determine that the proposed structure(s), activity, or use conforms to the requirements of this ordinance along with the required application fee, as established by the Board of Commissioners. At minimum, all applications for Development Permits shall be accompanied by three (3) copies of a recorded plat and fully dimensional site plan, drawn to a scale of not less than one-eighth inch equal to one foot ($\frac{1}{8}'' = 1'$), and signed by the owner or his authorized agent. Said plan may be drawn by the applicant, however, in cases where a clear determination that the structure or use meets all the requirements of this ordinance cannot be made from a sketch plan, a site plan drawn by a registered engineer, architect, land surveyor, or landscape architect shall be required. Submission shall include the following items, as applicable:
 - A. **Individual Single-Family and Two-Family Residential Dwelling.**
 - (1) Project name;

- (2) Project owner and address;
- (3) Date, scale, north arrow;
- (4) Vicinity map;
- (5) Owner(s) and use(s) of adjacent properties;
- (6) Property lines and dimensions;
- (7) Total project acreage;
- (8) Proposed use of the property to be developed;
- (9) Required setbacks appropriately dimensioned;
- (10) Location and use of existing and/or proposed buildings and the square footage in each;
- (11) Location of adjacent street(s), including names and width of right-of-way and pavement;
- (12) Location and width of driveway;
- (13) Location of rivers, creeks, streams, lakes or ponds, including location of one hundred (100)-year flood plain;
- (14) Location and identification of any easements, including access and utility;
- (15) Method of water supply and sewage management including Health Department Certification, if required;
- (16) Any other data, as requested by the planning official(s), necessary to an understanding and evaluation of the project and to determine conformance with this ordinance.

B. Non-Residential and Multi-Family Development.

- (1) Project name;
- (2) Project owner and address;
- (3) Date, scale, north arrow;
- (4) Vicinity map;
- (5) Owners and uses of adjacent properties;
- (6) Property lines and dimensions;
- (7) Total project acreage;
- (8) Topography at five foot (5') contour intervals may be required;
- (9) Proposed use of property to be developed;
- (10) Required setbacks appropriately dimensioned;
- (11) Location and use of existing and/or proposed buildings and the square footage in each;
- (12) Location of adjacent street(s), including names and width of right-of-way and pavement;
- (13) Location of rivers, creeks, streams, lakes or ponds, including location of one hundred (100)-year flood plain;
- (14) Location and identification of any easements, including access and utility;
- (15) Method of water supply and sewage management including Health Department Certification, if required;
- (16) Location, dimensions, pertinent details of required buffers/screening, including plant material by name, spacing of plant material, and total number of plants by species, where applicable;
- (17) Location of driveway ingress and egress, including dimensions for curb radius, driveway width, and distance to nearest street intersection;
- (18) Location, dimensions, and details of existing and proposed off-street parking/loading areas, including oil interior drives, provisions for interior interconnection access, bays and walkways, type of servicing, angle of stalls, dimensions of stalls, width of access aisle, and schedule listing total number of parking stalls by type;
- (19) Trash/garbage receptacle (dumpster) location, if applicable;
- (20) Location, dimensions, and details of any proposed signage;
- (21) Location and details of any proposed exterior lighting;
- (22) Any other data, as requested by the planning official(s), necessary to an understanding and evaluation of the project and to determine conformance with this ordinance.

4. **Review Procedure.** The application shall be reviewed by the planning official(s) or their designee within forty-five (45) days of its official submittal. An application shall not be deemed officially submitted unless it contains all required documents and information, and all required fees have been paid. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the planning official(s) or their designee. The planning official(s) may approve, approve with conditions, or deny the application. If the planning official(s) fails to act on the application within forty-five (45) days of its official submission to the Planning

official(s), the application shall be deemed to have been approved. The applicant shall receive written notification of the findings within seven (7) days.

Upon determination that the application as filed, together with the plans and specifications, conforms in all respects with the requirements of this ordinance, and other applicable local, state, and federal regulations, then the planning official(s) shall issue the permit applied for. One (1) copy of such plans shall be returned to the owner or agent when such plans shall have been approved by the Planning official(s).

If an application is disapproved, the applicant shall be notified in writing with the reason for the disapproval.

5. **Records Maintained.** A record of such applications and plats or site plans shall be kept by the Oglethorpe County planning official(s).
6. **Expiration of Building Permits.**
 - A. Any building permit issued shall expire and become invalid unless the work authorized by the permit shall have been commenced within twelve (12) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of twelve (12) months.
 - B. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled. Further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
 - C. The Oglethorpe County Board of Commissioners or their designated planning official(s) shall issue to the applicant written notice of said expiration prior to revocation of any permit.
7. **Adherence to Approved Plans and Permits.** Development permits issued on the basis of approved uses, site plans, operations, and conditions Included in a rezoning, conditional use, temporary use, or variance application, as approved by the Board of Commissioners or their designated planning official(s), authorize only such use, plans, operations, and conditions as set forth and approved, therein. Any deviation from the authorized use, plans, operations, and conditions shall constitute a violation of this ordinance.
8. **Display of Permit.** Each permit shall be conspicuously posted and displayed on the premises described in the permit during the period of construction or reconstruction.
9. **Certificate of Occupancy.** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Planning Official(s) after a final inspection of said building, structure, or use.

A Certificate of Occupancy shall not be issued unless the final inspection of the property in question determines that the proposed use of the building or land conforms to the provisions of this Ordinance, and/or unless the final construction of the building, structure, or use complies with the approved site plan upon which the Building Permit was issued. The Planning Official(s) shall state in writing the reasons for denying such Certificate of Occupancy.

10. **Schedules and Fees.** From time to time the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Ordinance, and may adopt schedules of dates, times, and places, as appropriate and necessary to regulate the application, review, and hearing processes required by this Ordinance.

Section 39-507

Enforcement

1. **Enforcement Authority.** The Oglethorpe County Board of Commissioners or their designated official(s) shall administer and enforce the provisions of this ordinance and carry out the duties required. They shall be provided with the assistance of such other persons as the Oglethorpe County Board of Commissioners may direct.

The Oglethorpe County Board of Commissioners or their designated official(s) shall have authority to enforce this ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

The Oglethorpe County Board of Commissioners or their designated official(s), agents, or officers shall have the authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such inspections, examinations, surveys, or samplings as Oglethorpe County Board

of Commissioners or its designated official(s) deem necessary to determine conformance to the requirements of this ordinance.

The Oglethorpe County Board of Commissioners or their designated official(s) shall have the authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction.

Law enforcement officials or other officials having police powers shall have authority to assist the Oglethorpe County Board of Commissioners or their designated official(s) in enforcement of this

2. **Enforcement Action.** If the Oglethorpe County Board of Commissioners or its designated official(s), agents, officers, or employees find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation(s), indicating the nature of the violation(s) and ordering the action necessary to correct it. Such written notice, however, shall not be a necessary condition to enforcement of the ordinance.
 - A. The Oglethorpe County Board of Commissioners or its designated official(s) may suspend or revoke a permit for failure to comply with regulatory guidelines, or with conditions or limitations attached to the permit, or if the scope of work exceeds that set forth in the permit. The Board of Commissioners or their designated official(s) shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a local newspaper serving as the legal organ of the county.
 - B. The Oglethorpe County Board of Commissioners or its designated official(s) shall order discontinuance of illegal use of land, buildings, or structures or of illegal additions, alterations, or structural changes; or discontinuance of any illegal work being done; or shall take any other action, including instituting an injunction, mandamus, or other appropriate action as authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
 - C. When a building or other structure has been constructed in violation of this ordinance, the violator shall be required to remove the structure at the discretion of the Oglethorpe County Board of Commissioners or their designated official(s).
 - D. When removal of vegetative cover, excavation or fill has taken place in violation of this ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable at the discretion of the Oglethorpe County Board of Commissioners or their designated official(s).
 - E. If the Oglethorpe County Board of Commissioners or their designated officials) discover a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.
3. **Penalties for Violation.** It is unlawful to violate the provisions of this ordinance or to fail to comply with any of its requirements, including conditions or limitations established in connection with grants of variances, rezoning, special exceptions, restricted conditional uses, or other permits. Any person who commits, takes part in or assists in any violation of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, be fined, as determined by the court, for each offense, not more than one thousand dollars (\$1,000.00) and in addition shall pay all costs and expenses involved in the case. Each violation shall be deemed a separate offense and, in the case of a continuing violation, each day such violation continues shall be deemed a separate and distinct offense.

Section 39-508

Appeals

1. **Appeal to the Board of Commissioners.** Any party aggrieved because of the alleged error in any order, requirement, decision, or determination made by the designated planning official(s), agents, officers, employees or any other party in enforcement of this ordinance, may appeal in writing to the Oglethorpe County Board of Commissioners for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation, the Board of Commissioners may, in conformity with the provisions of this Zoning Ordinance, reverse or affirm any order, requirement, decision, or determination made by the designated planning official(s), agents, officers, employees, or any other party. The Board of Commissioners shall inform in writing all the parties involved of its decisions and the reasons therefore.
2. **Application of Appeal.** An application of appeal shall be filed, in writing, with the official(s) from whom the appeal is taken and with the Clerk of the Oglethorpe County Board of Commissioners, along with any filing fee. Any such appeal must be filed within thirty (30) days of the decision or action being appealed. Incomplete

applications will not be placed on the Board's agenda. The application shall include, at minimum, a statement of ownership, the requested interpretive ruling, the specific grounds for The request, including documentation of unique hardship, where appropriate.

The official(s) from whom the appeal is taken shall forthwith transmit to the Board of Commissioners copies of all the papers constituting the record upon which the action being appealed was taken.

3. **Public Hearing and Notification.** Before taking any official action on an application for appeal, the Board of Commissioners shall hold a public hearing thereon. The Board of Commissioners shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give public notice thereof in a newspaper of general circulation in Oglethorpe County, at least fifteen (15) and no more than forty-five (45) days before the hearing. Upon a hearing, all parties shall appear in person, by agent, or by attorney. Said hearings shall be open to the public and shall be conducted in accordance with the provisions set forth in the Oglethorpe County Code.
4. **Appeal From Decision of the Governing Body.** Any party aggrieved by any decision of the Oglethorpe County Board of Commissioners may seek review of such decision by a Court of Record, as provided under Georgia law. Such appeal shall be filed with the Clerk of Court within thirty (30) days of the rendering of said decision by the Oglethorpe County Board of Commissioners being appealed.
5. **Stay of Legal Proceedings.** An appeal to the Court of Record shall stay all proceedings in furtherance of the action appealed from, unless the zoning official(s) from whom the appeal is taken certifies to the Board of Commissioners and the County Attorney after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would. In his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by a court of law.
6. **Judicial Review - Alternative Actions.** Based on any proceedings and the decision of the Oglethorpe County Superior Court, the Oglethorpe County Board of Commissioners may, within the time specified by the court, elect to:
 - A. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
 - B. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
 - C. Institute other appropriate actions ordered by the court that fall within the jurisdiction of Oglethorpe County.

Section 39-509 Legal Status Provisions

1. **Conflict with Other Laws.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed restrictions, or covenants, the more restrictive or that imposing higher standards shall govern.
2. **Separability and Abrogation.** All articles, sections, subsections, and paragraphs of this ordinance are considered separate and distinct. Should any article, section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, such decision shall not invalidate the ordinance as a whole, nor any other article, section, subsection, paragraph, or part thereof, other than the part so declared to be invalid.
3. **Repeal of Conflicting Ordinances.** Upon the adoption of this Ordinance, all ordinances and parts of ordinances in conflict with herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.
4. **Effective Date.** This ordinance shall take full force and effect at the time of its adoption by the Oglethorpe County Board of Commissioners, as provided for by law.

(Adopted January 11, 2005)

ARTICLE VI. DRIVEWAY PERMIT ORDINANCE

Section 39-601 Permit Required

Before installing any driveway or means of ingress and egress to any property abutting a county road or county maintained road, the owner of the subject property or the person installing said driveway acting as owner's designee shall make application to the Oglethorpe County Board of Commissioners through its Building Inspection Department for and receive a permit authorizing said installation. The permit must be posted so it is visible from the county road. If existing curb and gutter is to be removed to facilitate the driveway, then a permit authorizing said removal shall also be required.

Section 39-602 Permit Provisions

The permits shall specify the location of the driveway, the width of same, the size and material for the culvert to be used and other matters required for adequate drainage of the driveway in accordance with accepted engineering and road management practices. In issuing the permit Oglethorpe County may impose any reasonable conditions that the circumstances may warrant. Conditions include but are not necessarily limited to drive location, elevation, pipe size, surface treatment, drainage easements, and other requirements to facilitate safe maintenance and operation of county roads.

A minimum pipe size of fifteen inches (15") and minimum twenty feet (20') length of pipe with flared ends must be used for all driveway construction. Pipe shall extend a minimum of four feet (4') on each side of the area serviced. A minimum pipe size of eighteen inches (18") must be used for all cross drains under public roads.

Driveway construction shall be graded so water does not run from the driveway into the county road or collected along the road right of way. Driveways are required to have a down slope away from the county road. If this is not possible the driveway is required to be paved with concrete or asphalt to the top of the slope to prevent dirt or gravel from washing into the road. Driveway pipes are required to be installed with the grade of the road to insure proper drainage and be covered with a minimum of one foot (1') of fill.

Pipe for driveways shall be either sixteen (16) gauge-corrugated steel or aluminum in accordance with county standards. Reinforced concrete or smooth lined high density polyethylene pipe may be used. PVC or other corrugated plastics are not permitted within county right of way. Driveways requiring curb and gutter removal shall be installed in accordance with instructions and diagrams issued by the Road Superintendent at the time of the application of permit.

Permit is to be strictly constructed and no work other than that specifically authorized by said permit may be performed in county right-of-ways. This permit must be renewed if the work described is not completed within one (1) year from the date permit is issued.

No provision of this ordinance shall be construed as a responsibility of the county to provide future maintenance of new or currently installed driveways and/or drainage structures. By application and issuance of the permit, owner and successors agrees to bear all responsibility and cost for repair and future maintenance of the driveway associated drainage structures. If the owner or successors fails to maintain the driveway and/or associated drainage structures to the extent that the Board of Commissioners or an authorized representative of the Board of Commissioners determines that the driveway and/or associated drainage structures has a detrimental impact on the safe operation and maintenance of county roads, notice shall be given to the owner. Owner shall perform the necessary actions(s) to correct the detrimental impacts at the sole expense of the owner. Failure of owner to perform the necessary work within the time prescribed in the notice shall be cause for the county to perform the work. Expenses incurred by the county to perform the work shall be the responsibility of the owner.

Section 39-603 Inspection of Work

Driveway construction and material shall be the responsibility of the owner/applicant for the permit. All work shall be in conformity with the permit as granted and shall be subject to inspection by authorized representative(s) of the Board of Commissioners. No use of said drive or issuance of permits for uses of the property served thereby shall be permitted until such compliance is met.

Section 39-604 Penalty

Violation of this ordinance shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each day that the violation continues shall constitute a separate offense.

(Effective 7/13/04)

ARTICLE VII. LAND USE DISPUTE RESOLUTION PROCESS

Section 39-701 Adoption; Purpose

1. The Board of Commissioners and the governing authority of each of the municipalities within the county have agreed to adopt the joint county municipality land use classification dispute resolution process set out in this article to resolve land use classification disputes when a county objects to the proposed land use of an area to be annexed into a municipality within the county.
2. The county and the municipalities within the county agree that they currently have a joint commission, the county planning commission, serving the county and the municipalities of Arnoldsville, Crawford, Lexington, and Maxeys, and which may serve as a mechanism for reviewing land use classifications prior to disputes arising. However, if that a potential land use classification dispute arises when a municipality annexes property that has not been resolved prior to the annexation, the county and the municipalities have adopted the dispute resolution process.

Section 39-702 Notice of Proposed Annexation, Land Use Classification

1. When a municipality initiates a legislative annexation or accepts a petition for annexation under any statutory method, it will notify the Board of Commissioners in writing of the proposed annexation in the manner required by law pursuant to *O.C.G.A. § 36-36-1 et seq.*, and will include in the notification any proposed rezoning of the annexed property. Any dispute regarding the annexation itself will be controlled by *O.C.G.A.*
2. When a rezoning application is filed by any property owner or any other person who is permitted by law to apply for a rezoning or when a rezoning is proposed by the municipality for property that has been annexed within twelve (12) months of the effective date of an annexation of the property, the municipality shall provide the county written notice of the proposed rezoning by certified mail, return receipt requested, within five (5) days of the filing of the application of rezoning or notice of a proposed rezoning by the municipality.
3. The Board of Commissioners shall have forty-five (45) days from receipt of the written notice of the proposed rezoning to serve the municipality with its written objection to the proposed rezoning of the property, by certified mail, return receipt requested. The county shall include in the notification the names of its representatives for a committee to meet informally to resolve the dispute. If the county does not serve the municipality with its objection to the proposed rezoning within the forty-five (45)-day response period, the county shall no longer have a right to object to the proposed rezoning. The forty-five (45)-day response period is designed to allow the county a sufficient period to refer the matter to the county Planning Commission, in an effort to resolve the dispute expeditiously.

Section 39-703 Informal Negotiation

1. If the county Planning Commission is not successful in resolving the dispute or at any time in this process, the city council of the municipality and Board of Commissioners may appoint a committee to meet to discuss the proposed rezoning informally. Upon receipt of the notification of the county's objection to the rezoning and selection of its representatives, the city council of the municipality shall have five (5) days to notify the county of its representatives. The municipality and the county may each appoint no more than three (3) representatives to the committee to meet to discuss the issues raised by the county in an effort to reach a solution that is advantageous to both parties. The informal committee meeting shall be scheduled within ten (10) days of the appointment of the committee representatives.
2. The committee may, by mutual agreement, invite the Northeast Georgia Regional Development Center to assist as a facilitator in the discussions.
3. The committee may, by mutual agreement, invite other interested parties, such as the affected property owners, to participate in the discussions.
4. If the committee representatives reach a potential resolution of the dispute, the representatives shall make recommendations to their respective governing bodies that the proposed resolution be accepted and officially adopted. If either of the governing bodies rejects the proposed resolution, the governing body shall notify its committee representative to request such representative begin the formal mediation process.
5. If the committee representatives determine that they will be unable to reach a potential resolution of the dispute, the representatives shall report that fact to their respective governing bodies and request that they begin the formal mediation process.

Section 39-704

Formal Mediation

1. Within five (5) days of receipt of the report by the committee that a resolution of the dispute was not reached, a representative of the municipality and the county shall contact the Northeast Georgia Regional Development Center for assistance in scheduling a formal mediation.
2. (b) The Northeast Georgia Regional Development Center shall assist the municipality and the county in the selection of a mediator acceptable to both parties.
3. The cost for the mediation will be borne by each of the parties proportionately to their populations in the most recent decennial census.
4. The mediation should be scheduled as expeditiously as possible but no later than thirty (30) days from the issuance of the committee report to the municipality and the county or the rejection of the proposed resolution submitted by the committee by one or both of the governing authorities.
5. The City Council and the Board of Commissioners shall appoint no more than three (3) representatives to participate in the mediation.
6. The municipality and the county may, by mutual agreement, invite other interested parties, such as the affected property owners, to participate in the mediation discussions, but only the representatives have a vote.
7. If the representatives reach a proposed agreement, the mediator shall make a report to each of the governing bodies for action.
8. If the representatives cannot reach a proposed agreement, the mediator will make a report to each of the governing bodies.

CHAPTER 40: NUISANCE ABATEMENT ORDINANCE

Section

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Section 40-101 Authority, Scope and Applicability

This chapter is enacted pursuant to the provisions of Title 41, Chapter 2, Sections 7 through 17, as amended, of the Official Code of Georgia Annotated. *O.C.G.A.* § 41-2-7 specifies the scope and purpose of this Article. All powers and authorities granted to public officers and public authorities by the statute are hereby incorporated by reference so as to be assumed, delegated and granted pursuant to this Article. The commission of Oglethorpe County specifically finds that conditions of the character described in *O.C.G.A.* § 41-2-7 exist within Oglethorpe County due to dwellings, buildings, structures or properties which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents or other calamities; which lack adequate ventilation, light or sanitary features; or where other conditions exist rendering such dwellings, buildings, structures or properties unsafe or unsanitary or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of Oglethorpe County; or which are vacant and being used in connection with the commission of drug crimes. Such dwellings, buildings, structures or properties are declared to be a public nuisance. Power is conferred upon Oglethorpe County to exercise its enforcement power to repair, close, or demolish the aforesaid dwellings, buildings, structures or properties as provided in this Article.

Section 40-102 Definitions

1. **Specific Terms Defined.** As used in this chapter, the following words, terms and definitions shall apply:
 - A. **"Applicable Codes"** means [A] any optional housing or abatement standard provided in Chapter 2 of Title 8 as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ORDINANCE OR OPERATION OF LAW, OR GENERAL NUISANCE LAW, RELATIVE TO THE SAFE USE OF REAL PROPERTY; [B] ANY FIRE OR LIFE SAFETY CODE AS PROVIDED FOR IN Chapter 2 of Title 25 of the Official Code of Georgia Annotated [O.C.G.A.]; and [C] any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8 of the Official Code of Georgia Annotated [O.C.G.A.] after October 1, 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 provided by law.
 - B. **"Closing"** means causing a dwelling, building or structure to be vacated and secured against unauthorized entry.
 - C. **"Drug Crime"** means an act which is in violation of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, known as the "Georgia Controlled Substances Act."
 - D. **"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 building or structure of any design. As used in this Article, the term "dwellings, buildings,

- or structures shall not mean or include any farm, any building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.
- E. **"Governing Authority"** means the Oglethorpe County Board of Commissioners of Oglethorpe County, Georgia.
 - F. **"Interested Party"** means:
 - (1) Owner;
 - (2) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
 - (3) Those parties having filed a notice in accordance with *O.C.G.A. § 48-3-9*;
 - (4) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the Oglethorpe County Courthouse or by the clerk of court. "Interested party" shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and
 - (5) Persons in possession of said property and premises.
 - G. **"Magistrate Court"** means the Magistrate Court of Oglethorpe County, Georgia.
 - H. **"Owner"** means the holder of the title in fee simple and every mortgagee of record.
 - I. **"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 Oglethorpe County, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in Oglethorpe County.
 - J. **"Public Officer"** means the officer or officers who are authorized by *O.C.G.A. § 41-2-7* through *41-2-17* and by this chapter to exercise the powers prescribed by this Article or any agent of such officer or officers. For the purposes of this Article, the manager or designees, shall exercise the primary responsibilities prescribed by this Article and shall be the "public officer" defined in *O.C.G.A. § 41-2-8[10]*. The Oglethorpe County Planning and Zoning Administrator, or the Oglethorpe County Code Enforcement Officer.
 - K. **"Repair"** means altering or improving a dwelling, building or structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning and removal of debris, trash, and other materials present and accumulated which create a health in or about any dwelling, building or structure.
 - L. **"Resident"** means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.
2. Definitions incorporated by reference. To the extent not stated above, the definitions set forth in *O.C.G.A. § 41-2-8* are incorporated herein by reference.

Section 40-103 Unsafe Dwellings, Buildings, Structures, or Properties

1. **Duty of the Owner of Dwellings, Buildings, Structures or Properties.** It is the duty of the owner of every dwelling, building, structure or property within Oglethorpe County to construct and to maintain such dwelling, building, structure, or property in conformance with applicable codes in force in the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.
2. **Standards for Determining Unfitness for Habitation of Unsafe Dwellings, Buildings or Structures.** The public officer may determine, under existing ordinances, that a dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such dwelling, building, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwellings, buildings, or structures; or of other residents of Oglethorpe County. Such dwelling, building, or structure is illegal and shall be abated by repair, demolition, or qualify for a secured building status in accordance with this Article. Such conditions may include the following without limiting the generality of the foregoing:
 - A. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
 - B. Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices and fire resistive ratings, which is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.

- C. The stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the stresses allowed in the Georgia State Building Code for new buildings.
 - D. The building, dwelling or structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to damage and is less than the minimum requirement established by the Georgia State Building Code for new buildings.
 - E. Any exterior appendage or portion of the building, dwelling or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Georgia State Building Code for new buildings.
 - F. If for any reason the building, dwelling or structure or portion thereof is manifestly unsafe or unsanitary for the purpose of which it is being used.
 - G. The building, dwelling or structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
 - H. The building, dwelling or structure or portion thereof has been constructed or maintained in violation of a specific requirement of the standard codes or of a city, county or state law.
 - I. Any building, dwelling or structure or portion thereof that is in such a condition as to constitute a public nuisance.
 - J. Any building, dwelling or structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise a danger to human life, or which in relation to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, disrepair, uncleanness, structural defects, dilapidation, obsolescence, abandonment, or any defects to any building, structure or dwelling or portion thereof increasing the hazards of fire, accidents, or other calamities.
3. **Standards for Determining Unfitness for Habitation Dwellings, Buildings, or Structures Being Used in Connection with Drug Crimes.** The public officer may determine, under existing ordinances, that a dwelling, building or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or upon report of a law enforcement agency and evidence of drug crimes being committed.
4. **Property Endangering the Public Health or Safety.** Any property where 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 is illegal and in violation of this Article. A finding by any governmental health department, health officer, or Oglethorpe County building inspector that such property is a health or safety hazard shall constitute prima-facie evidence that such property is in violation of this Article.

Section 40-104 Inspection, Complaint, Hearing and Order

1. Whenever a complaint is filed with the administrator of planning and zoning/building inspections by any public authority or by at least five residents of Oglethorpe County or by the administrator of planning and zoning/building inspections on his/her own information indicating 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.
2. If the public 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 and endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer or code enforcement officer may issue a citation against the owner of the lot, tract, or parcel of real property on which such building, dwelling or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the citation to be served on the interested parties for such dwelling, building, structure or property. The citation shall identify the subject real property by appropriate street address or official tax map reference; and, identify the interested parties; state with particularity the factual basis for the action. The citation shall notify the interested party(s) that a hearing will be held before Magistrate Court, at a date and time certain and at a place within Oglethorpe County where the property is located. Such hearing will take place in Magistrate Court, time and date at the discretion of the Court or its designee.

3. If, after such citation and as a result of the hearing, the court determines that the dwelling, building, structure or property 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 of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court may require the owner of said property, building or structure be notified that this property, building, dwelling or structure be declared a public nuisance and order it demolished at the expense of the property, dwelling, building or structure owner. Should the owner refuse or otherwise cannot pay the expense of demolishing said property, dwelling, building or structure, it is to the discretion of county government officials to have said property, dwelling, building or structure demolished and proper litigation be affected.

Section 40-105 Failure to Comply with Order to Repair or to Demolish

1. If the owner fails to comply with an order to repair or demolish the dwelling, building, structure, or property, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within ninety (90) days after expiration of time specified in the order for abatement by the owner. Anytime during which such action is prohibited by a court order issued pursuant to *O.C.G.A. § 41-12-13* or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the ninety (90) days in which such abatement action shall commence. 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.
2. In addition, the placard shall bear the date posted, street address and number of the building involved and the signature of the administrator of the building inspection department. It shall thereafter be unlawful for any person to mutilate or remove such placard or for such building to be occupied until the required corrective action is taken.

Section 40-106 Demolition

No person shall begin demolition until a permit for demolition has been obtained and all the utilities have been cut off and capped. The person who has secured the permit shall remove from the property all debris, trash, litter, rubbish, and foundation exposed above the ground level: fill any excavation or other depressions to existing grade with clean dirt containing no more than twenty-five percent (25%) stone or masonry: and adequately slope and drain all filled areas as determined by the administrator of the building inspection department.

Section 40-107 Lien on Property

1. The amount of the costs of repair or demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner, and all other costs necessarily associated with the abatement action, including but not limited to restoration to grade of the real property after demolition, shall be a lien against the real property after demolition upon which such costs was incurred.
2. The lien provided for in paragraph [a] above 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 this article. 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.
3. Upon final determination of costs, fees, and expenses incurred in accordance with this article, the public officer responsible for enforcement actions in accordance with this chapter shall transmit to the county tax commissioner a statement of the total amount due and secured by said lien, together with copies of all notices provided to the interested parties. The statement of the public officer shall be transmitted within thirty (30) days of the completion of the repairs, demolition, or closure. It shall be the duty of the county tax commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically Article 4 of Title 48 of the Official Code of Georgia Annotated; provided, however, that the limitation of Code Section 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure

shall not apply. A county tax commissioner shall collect and enforce liens imposed pursuant to this article in accordance with *O.C.G.A. § 48-5-359-1*. The county tax commissioner shall remit the amount collected to the governing authority of Oglethorpe County.

4. Enforcement of liens pursuant to this section may be initiated at any time following receipt by the county tax commissioner of the final determination of costs in accordance with this article. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to *O.C.G.A. § 48-4-78* for delinquent ad valorem taxes may include all amounts due under this chapter.
5. The redemption amount in any enforcement proceeding pursuant to this section shall be the full amount of the costs as finally determined in accordance with this section together with interest, penalties, and costs incurred by the governing authority and/or county tax commissioner of such lien. Redemption of property from the lien may be made in accordance with provisions of *O.C.G.A. § 48-4-81*.
6. The governing authority of Oglethorpe County may waive and release any such lien imposed on property upon the owner of such property entering into a contract with Oglethorpe County agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
7. Where the abatement action does not commence in superior court, review of the court order requiring the repair, alteration, improvement, or demolition of a building, dwelling, or structure shall be by direct appeal to the superior court under *O.C.G.A. § 5-3-29*.
8. In addition to the procedures and remedies in this chapter, the public officer may issue citations for violations of state minimum codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard and 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.
9. Nothing in this Article shall impair or limit in any way the power of Oglethorpe County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 40-108 Service of Complaints, Notices, Orders, and Other Filings

1. Complaints issued by a public officer pursuant to this article shall be served in the following manner: Prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Copies of the complaint shall also be mailed by first class mail to the property address to the attention of the occupants, if any, and shall be posted on the property within three (3) business days of filing of the complaint and prior to the date of the hearing.
2. For interested parties 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 sheriffs advertisements appear in such county.
3. 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 the filing of the complaint in the appropriate court, Such notice shall have the same force and effect as other lis pendens provided by law.
4. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Code section on any interested party whom answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall deem to have waived all further notice in the proceedings.

Section 40-109 Right to Enter and Inspect

The public officer, or designee, or any person authorized to enforce this article, and any sworn officer of the county shall be empowered to enter any property and structure at reasonable times to inspect the condition or work being performed thereon or therein.

Section 40-110 Code of Georgia

Any reference to the Official Code of Georgia Annotated or *O.C.G.A.* shall include any amendment to a cited section as subsequently adopted.

CHAPTER 41: BODY TATTOO/BODY PIERCING ESTABLISHMENTS AND OPERATORS RULES AND REGULATIONS

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Section 41-101 Authority

The legal authority for this Rule is Chapter 31-40 of the Official Code of Georgia Annotated. (O.C.G.A. Chapters 31-40-1 through 31-40-9, and 31-5.)

Section 41-102 Purpose

The purpose of these rules and regulations is to establish reasonable standards for individuals performing Body Tattoo/Body Piercing procedures and for the facilities where the procedures are provided. If followed, such standards should reduce the risk to the health and safety of all individuals performing and receiving these services.

Section 41-103 Exemptions

These regulations do not apply to a physician or osteopath licensed under Chapter 34 of Title 43, or to a technician acting under the direct supervision of such licensed physician or osteopath.

Section 41-104

Definitions

1. "Administrative Body" or "Owner" means the partnership, corporation, association, or the person or group of persons who maintain and control or own the Body Tattoo/Body Piercing Establishment and personnel, and who are legally responsible for the operation of the establishment.
2. "Antimicrobial solution" means any solution used to retard the growth of microorganisms approved for application to human skin and includes all products labeled accordingly as approved by the Food and Drug Administration (FDA).
3. "Antiseptic" means an agent or substance that will destroy or inhibit the growth and development of infectious microorganisms on human skin or mucous membranes.
4. "Applicant" means any person who applies for a Body Tattoo/Body Piercing Operator Permit, Guest Body Tattoo/Body Piercing Operator Permit or Body Tattoo/Body Piercing establishment permit.
5. "Autoclave" or "Sterilizer" means an apparatus, certified to meet generally accepted medical standards, for sterilization utilizing steam pressure at a specific temperature over a period of time per manufacturer's specifications.
6. "Biohazardous waste" means liquid or semi-liquid blood or other potentially infectious materials and/or contaminated items, which if compressed, would release blood or other potentially infectious materials in a liquid or semi-liquid state.
7. "Blood borne pathogens" means pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include but are not limited to Hepatitis B virus (HBV), Hepatitis C virus (HCV), and Human Immunodeficiency virus (HIV).
8. "Body Tattoo/Body Piercing" means the practice of physical body adornment by means of tattooing or body piercing. This definition does not include practices considered medical procedures by the Georgia Board of Registration in Medicine such as implants under the skin which are prohibited unless such medical procedures are performed by a person licensed by the Georgia Board of Registration in Medicine.
9. "Body Tattoo/Body Piercing Establishment" means any permanent building or structure on a permanent foundation, holding a valid city or county business license, if applicable, and permit from the County Board of Health where the practices of Body Tattoo and/or Body Piercing are performed whether or not for profit.
10. "Body Tattoo/Body Piercing Establishment Permit" means departmental approval in writing authorizing the Administrative Body to operate a Body Tattoo/Body Piercing establishment for the purpose of engaging in the practice or business of Body Tattoo/Body Piercing procedures. Health Department approval shall be granted solely for the practice of Body Tattoo/Body Piercing pursuant to these regulations.
11. "Body piercing" means puncturing or penetrating the skin or mucosa of a client utilizing a single use sterile needle or other sterile instrument for the purpose of inserting jewelry or other adornment into the body for non-medical purposes; body piercing includes ear piercing, except when the ear piercing procedure is performed on the ear lobe with a single use ear piercing gun using sterile materials. (See definition 48)
12. "Cleaning room" shall mean the area in a Body Tattoo/Body Piercing establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of Body Tattoo/Body Piercing and shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight feet.
13. "Client" or "customer" shall mean an individual upon whom one or more Body Tattoo/Body Piercing activities are to be performed.
14. "Contaminated" means the presence or the reasonably anticipated presence of blood, other body fluids, other potentially infectious materials, or potentially harmful chemicals on an item or surface.
15. "Contaminated waste" shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in O.C.G.A.
16. "County Board of Health" or "Health Department" means the Oglethorpe County Board of Health, Oglethorpe County Health Department, Oglethorpe County Health Department Office of Environmental Health, District Office of Environmental Health, and/or District Health Director or any other designee/agent authorized to act on behalf of the Oglethorpe County Board of Health such as the Georgia Division of Public Health.
17. "Critical item(s)" means those aspects of operation or conditions which, if in violation, constitute the greatest hazards to health and safety, including imminent health hazards. Critical violations shall include the following:
 - A. Autoclave that does not meet minimum time, pressure or temperature requirements;

- B.** Lack of a monthly negative spore or microbiological monitoring test for quality control;
 - C.** Non-disposable tubes and needles that are not sterilized or were sterilized greater than six (6) months ago;
 - D.** Work area that is not equipped or stocked as required;
 - E.** Reuse of single use equipment or supplies;
 - F.** Sterile instruments are not properly handled;
 - G.** Reusable instruments are not handled properly;
 - H.** Employees with infectious lesions on hands not restricted from Body Tattoo/Body Piercing procedures;
 - I.** Employees not practicing proper cleanliness and good hygienic practices;
 - J.** Water supply not approved or hot and cold running water under pressure not available;
 - K.** Approved sewage and liquid waste disposal not available or improper disposal of liquid wastes;
 - L.** Cross connection allowing back-siphonage present in plumbing system;
 - M.** Readily available hand washing and toilet facilities not available for operators and employees;
 - N.** Insect and rodent evidence, harborage, or outer opening present;
 - O.** Toxic items not properly stored, labeled, or used;
 - P.** Un-permitted operator performing tattooing/ Body piercing;
 - Q.** Prohibited procedures occurring within establishment.
- 18.** "Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
 - 19.** "Disinfectant" means a solution registered as a hospital tuberculocidal disinfectant by the U.S. Environmental Protection Agency (EPA) and is intended to destroy or inactivate specific viruses, bacteria, or fungi on clean, inanimate surfaces.
 - 20.** "Disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
 - 21.** "Ear piercing" means the puncturing of the outer ear for non-medical purposes.
 - 22.** "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
 - 23.** "Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a Body Tattoo/Body Piercing establishment.
 - 24.** "Establishment" means the physical location of a business which offers and performs Body Tattoo/Body Piercing procedures.
 - 25.** "Germicidal solution" means any solution approved by the FDA which destroys microorganisms and is so labeled.
 - 26.** "Gloves" means medical grade disposable single use gloves labeled for surgical or examination purposes.
 - 27.** "Guest Operator" shall mean a visiting Body Tattoo/Body Piercing Operator possessing a Guest Operator Permit issued by the Health Department.
 - 28.** "Guest Operator Permit" means the issuance of a 7 day permit by the Health Department to allow a person to practice Body Tattooing/Body Piercing in accordance with these regulations under the direct supervision of a permitted Body Tattoo/ Body Piercing Operator.
 - 29.** "Hand Sink" means a lavatory equipped with hot and cold potable running water under pressure, used solely for washing hands, arms, or other portions of the body. The facility shall include a soap dispenser, soap, and single use disposable towels on a dispenser.
 - 30.** "Imminent health hazard" means any condition, deficiency, or practice, as discovered by the environmental health inspector which, if not corrected, is very likely to result in disease transmission, injury, or loss of life to any person.
 - 31.** "Informed Consent" means the Health Department-approved statement that a client signs prior to receiving a Body Tattoo/Body Piercing procedure notifying them of the possible hazards of receiving a tattoo or piercing.
 - 32.** "Instruments" means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any Body Tattooing/ Body Piercing procedure.
 - 33.** "Jewelry" means any ornament used in any Body Piercing procedure which is inserted into a newly pierced area. Jewelry used shall be one of the following: Surgical Steel that is American Society of Testing Materials International (ASTM) F-138, International Standards Organization (ISO) 5832-1, or ISO 10993-(6,10 or 11) compliant; Titanium that is ASTM F-136, ASTM- 67, or ISO 5832-3 compliant; Niobium; Solid Platinum; Biocompatible Polymers Tygon, PTPE, or Bioplast; Glass such as fused quartz, lead-free borosilicate and lead-free soda-lime glass that can be autoclaved; or Solid 14 karat or higher, white or yellow nickel-free gold. Copies of the

jewelry manufacturer's documentation, which verify compliance with these standards, must be available for inspection on request.

34. "Microbiological monitoring for quality control" means the use of a standard spore, to challenge the sterilization process.
35. "Minor" means an individual under the age of eighteen (18).
36. "Notification of Risk" or "Disclosure Statement" means a framed, posted Health Department approved statement which notifies clients of the possible hazards of Body Tattoo/Body Piercing procedures.
37. "Occupational exposure" means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee's activities.
38. "Operator" means a person at least eighteen (18) years of age who performs tattooing or body piercing and who is responsible for complying with applicable provisions of these regulations.
39. "Operator Permit" shall mean a document issued by the Health Department pursuant to this Body Tattoo/Body Piercing Regulation authorizing a person to conduct allowed Body Tattoo/Body Piercing procedures.
40. "Personal protective equipment" means specialized clothing or equipment, such as gloves or lap cloth, worn by an employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.
41. "Personnel" means the permit holder, any person who performs Body Tattoo/Body Piercing, persons having supervisory or management duties, or any other person employed or working in a Body Tattoo/Body Piercing establishment. Such an individual may or may not be an Operator.
42. "Physician" or "osteopath" means a person licensed to practice medicine in Georgia.
43. "Proof of age" means a driver's license or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older, contains a photograph, and appears on its face to be valid.
44. "Sanitary" means clean and free of agents of infection or disease.
45. "Sanitize" means the application of a U.S. EPA registered sanitizer on a cleaned surface by a process that provides sufficient concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on utensils and equipment in accordance with the label instructions.
46. "Sharps" means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa.
47. "Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.
48. "Single use" means disposable products or items that are intended for one-time, one-person use and are properly disposed of by appropriate measures after use on each client. Single use items include but are not limited to piercing needles, stencils, ink cups, razors, single use instruments, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, medical grade absorbent liner that is waterproof on one side, and protective gloves.
49. "Solid waste" means refuse, garbage, trash, rubbish, and any other item(s) which could cause an unsanitary condition or undesirable health and safety conditions.
50. "Sterilization" or "sterilize" means the use of a physical or chemical procedure by which all forms of microbial life, including bacteria, viruses, spores, and fungi are destroyed including highly resistant bacterial endospores. This is achieved by holding in an autoclave for fifteen (15) minutes, at fifteen (15) pounds pressure, and at a temperature of two hundred fifty degrees (250° F) Fahrenheit or one hundred twenty-one degrees (121°C) Celsius, or any equivalent procedure resulting in complete destruction of microbial life including spores.
51. "Sterilized indicator" means a tape, strip, bag, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.
52. "Tattoo" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. Micropigmentation is included in this definition.
53. "Ultrasonic cleaning unit" means a unit approved by the Health Department with lid, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.
54. "Universal precautions" means treating all blood and body fluids as if they contain blood borne pathogens and taking proper precautions to prevent the spread of any blood borne pathogens. (See Appendix I)
55. "Utensil" means any implement, tool, or other similar device used in the storage, preparation, operation, or processing of Body Tattoo/Body Piercing.
56. "Violation correction" means a plan for correcting deficiencies in meeting these rules and regulations of the local Board of Health.

57. "Waste" means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a Body Tattoo/Body Piercing establishment.

Section 41-105 Administrative Body

1. The Administrative Body shall be responsible for compliance with the requirements in Chapter 31- 40 of the Official Code of Georgia Annotated, with applicable administrative rules and regulations of the Oglethorpe County Board of Health, including but not limited to all applicable statutes, rules and regulations regarding disclosure of ownership.
2. The Administrative Body shall certify in its application the name(s) and exact duties of the Operators who have been designated as being responsible for carrying out the rules and policies adopted by the Administrative Body. The following information shall be included: Valid driver's license or Government issued I.D., date of birth (DOB), gender, home address, home/work phone numbers, ID photos of all operators.
3. Prior to being granted a permit, each Body Tattoo/Body Piercing establishment shall develop a written statement of policies and standard operating procedures including:
 - A. Sterilization
 - B. Employee health
 - C. Sanitizing areas and equipment between clients
 - D. Disposal of waste
 - E. Record keeping
 - F. Client screening
 - G. Aftercare procedures
 - H. Emergency sterilization procedures
4. Prohibited Facilities
 - A. Body Tattoo/Body Piercing establishment shall not be allowed in the same facilities used for human habitation, any food service establishment, retail sales area, hotel room or similar areas. This does not prohibit Body Tattoo/Body Piercing operations in completely separated areas by walls and doors of these or other businesses.
 - B. Body Tattoo/Body Piercing establishment shall not be allowed in automobiles, mobile, transitory or other non-fixed facilities. Such non-fixed facilities include, but are not limited to, mobile trailers, tents, and recreational vehicles.
5. Prohibited Procedures
 - A. Implants or other procedures involving insertion of foreign objects completely under the skin, such as 3-D procedures, are prohibited.
 - B. Any Body Tattoo/Body Piercing procedures which result in the permanent removal of tissue or requiring medical equipment (ex. Scalpels) shall be prohibited, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to perform such procedures.
 - C. It shall be unlawful for any person to pierce the body, with the exception of the ear lobes, of any person under the age of 18 for the purposes of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the body piercing is performed in the presence of the person's parent or legal guardian. The parent or legal guardian must have proper identification and sign a written consent form provided by the Body Tattoo/ Body Piercing establishment. The consent form must indicate the methods and part(s) of the minor's body upon which the body art procedure is performed. Nipple and genital piercing is prohibited on minors regardless of parental or legal guardian consent.
 - D. No person under the age of eighteen (18) shall be tattooed, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to do so.
 - E. In accordance with O.C.G.A.16-12-5(b), it shall be unlawful for any person to perform permanent tattooing or cosmetic micropigmentation procedures within any area within one inch of the nearest part of the eye socket unless performed by a physician, licensed osteopath, or a technician acting under the direct supervision of a physician or licensed osteopath.
 - F. No person except a duly licensed physician or a Georgia licensed laser technician under the supervision of a physician shall remove or attempt to remove any tattoo.
6. Body Tattoo/Body Piercing Operators shall not be under the influence of alcohol and/or drugs while performing Body Tattoo/Body Piercing procedures.

7. Operators shall refuse services to any person who is or appears to be under the influence of alcohol or drugs.
8. Body Tattoo/Body Piercing Operators shall not provide service to any person who shows evidence of being mentally incapacitated.
9. Live animals shall be excluded from within the Body Tattoo/Body Piercing establishment and from adjacent areas within the facility under the control of the permit holder. However, this exclusion does not apply to fish in aquariums. Service animals accompanying disabled persons shall be permitted in the establishment.
10. The skin of the Body Tattoo/Body Piercing Operator shall be free of rash, any lesion or visible sign of infection. A Body Tattoo/Body Piercing Operator shall not conduct any form of Body Tattoo/Body Piercing activity upon any area of a client that evidences the presence of any rash, lesion or other visible signs of infection.
11. No Body Tattoo/Body Piercing equipment or tattoo dyes and pigments shall be made available for use to non-permitted operators or establishments.
12. Any future Body Tattoo/Body Piercing procedures not covered within these rules which have the potential for transmitting infectious disease must receive written Health Department approval prior to being offered to customers or patrons.
13. Body Tattoo/Body Piercing shall only be performed by currently approved Body Tattoo/Body Piercing Operators in a permitted Body Tattoo/Body Piercing establishment meeting the requirements of these regulations.

Section 41-106 Personnel

1. Persons performing the Body Tattoo/Body Piercing procedures shall successfully complete a written examination specified by the County Health Department, obtain current certification in Red Cross Basic First Aid/CPR or equivalent, and proof of successful completion of an Occupational Safety and Health Administration (OSHA) approved Blood Borne Pathogen/Universal Precautions training program, at least yearly as required by OSHA. Training/courses provided by professional Body Tattoo/Body Piercing organizations/associations or by equipment manufacturers may also be submitted for consideration.
2. The Body Tattoo/Body Piercing establishment owner shall make available, at no cost to the personnel, Hepatitis B vaccination series, as well as any routine booster dose(s) to every person who may have occupational exposure to blood or other potentially infectious material. For new personnel, the vaccine shall be made available within ten (10) business days of initial work assignment.
3. Proof shall be provided upon request that all operators have completed the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician's statement specifying the name of the employee and stating the reason the vaccine cannot be given.
4. The Owner or Administrative Body must maintain a file on all employees who perform Body Tattoo/Body Piercing procedures. Employee files must be kept on location and for a minimum of two (2) years even after the employee is terminated. The employee files must be available for inspection and include the following:
 - A. Report of Hepatitis B Vaccination, Hepatitis B antibody testing, or contraindication to Hepatitis B vaccine.
 - B. Evidence of Red Cross Basic First Aid/CPR certification or equivalent and completion of an OSHA approved Blood Borne Pathogen/Universal Precautions training program.
 - C. A copy of a Photo I.D.
 - D. A copy of the Health Department issued Operator Permit.

Section 41-107 Application for Permit

1. The Administrative Body of each Body Tattoo/Body Piercing establishment shall submit to the Oglethorpe County Health Department an application for a permit to operate under the rules and regulations. No establishment shall be operated and no Body Tattoo/Body Piercing performed without such permit, which is current under these rules and regulations.
2. The application for permit shall be made on forms provided by the County Health Department.
3. Each application for a permit shall be accompanied by an 8 W x 11" or larger page containing a detailed floor drawing to scale of the Body Tattoo/Body Piercing establishment. Such drawing shall show the accurate placement of each of the following: windows, doors, room measurements, chairs, tables, sinks, bathrooms, waiting area, and equipment placement for clients and/or staff. Plans must be submitted and approved fourteen (14) days prior to construction of a new Body Tattoo/Body Piercing establishment or remodeling of an existing Body Tattoo/Body Piercing establishment.
4. Specification sheets must be submitted for all equipment.

5. A listing of the names of all staff including the owner who will be working in the establishment shall be included with the application for a permit. This listing shall include the full name of each staff person.
6. The ownership of the establishment shall be fully disclosed in its application for a permit.
7. Zoning and other local requirements regarding proper location and establishment of Body Tattoo/Body Piercing establishments shall be addressed by the applicant with the responsible local officials.
8. Existing Establishments and Personnel.
 - A. Both Body Tattoo/Body Piercing establishments and Body Tattoo/Body Piercing Operators in business at the date of adoption of the rules and regulations shall make application for a permit within (30) days of the adoption date.
 - B. The Health Department may approve up to a (12-month) period from the date of application for compliance of physical facilities of existing establishments; provided however, that no exemptions will be granted for circumstances presenting an immediate threat to public health such as lack of potable water, toilet facilities, waste disposal, adequate lighting, adequate sinks and lavatories, and universal precautions.
 - C. Body Tattoo/Body Piercing Operators in business at the date of adoption of these rules must be certified in Blood Borne Pathogens/Universal Precautions and Basic First Aid/CPR certification within (90 days) of adoption date.

Section 41-108 Body Tattoo/Body Piercing Establishment Permit

1. Any person planning to operate a Body Tattoo/Body Piercing establishment shall obtain a written application for a permit on a form provided by the Health Department through the Oglethorpe County Health Department prior to operating a Body Tattoo/Body Piercing establishment.
2. A new or initial application is required for Body Tattoo/Body Piercing establishments that have not previously been permitted or for instances when ownership changes. To be eligible for a permit the establishment must be in compliance with these rules and regulations.
3. The local Health Department shall issue a Body Tattoo/Body Piercing establishment permit:
 - A. Upon receiving a completed application and plans with applicable fees;
 - B. After an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules.
4. The establishment permit and framed "Notification of Risk" shall be displayed in within fifteen feet (15') of the front or primary public door and between five feet (5') and seven feet (7') from the floor and in an area where it can be read at a distance of one foot (1') away.
5. Permits shall expire on June 30th each year and are not transferable from one facility to another.
6. A permit shall no longer be valid and shall be returned to the Health Department when the establishment ceases to operate, has moved to another location, the ownership changes, or the permit is suspended, revoked or expired.
7. An establishment which fails to comply with these rules and regulations shall be subject to the sanctions available to the Oglethorpe County Health Department pursuant to O.C.G.A. 31-5 including, but not limited to, denial or revocation of its permit by the Oglethorpe County Health Department.

Section 41-109 Body Tattoo/Body Piercing Operator Permit

1. No person shall practice Body Tattoo/Body Piercing procedures without first obtaining a Body Tattoo/Body Piercing Operator Permit from the Oglethorpe County Health Department.
2. An applicant for a Body Tattoo/Body Piercing Operator permit must be a minimum of 18 years of age and shall demonstrate to the Health Department his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Tattoo/Body Piercing Regulation prior to the issuance or renewal of a Body Tattoo/Body Piercing Operator Permit by the Department.
3. Application for the Body Tattoo/Body Piercing Operator permit shall include:
 - A. Name
 - B. Date of Birth
 - C. Sex
 - D. Residence address
 - E. Mailing address
 - F. Phone number
 - G. Place(s) of employment as a Body Tattoo/Body Piercing Operator

- H. Photo I.D.
 - I. Proof of passing the departmental exam, successful completion of an OSHA approved Blood Borne Pathogen/ Universal Precautions training program and Basic First Aid/CPR class approved by the Health Department.
4. No permit will be issued without successfully completing an OSHA approved course in Blood Borne Pathogens/Universal Precautions, Basic First Aid/CPR and passing departmental exam.
 5. Individuals seeking a Body Tattoo/Body Piercing Operator permit shall submit a completed application provided by the Health Department, pay a set fee determined by the Health Department, and provide proof of Health Department-required courses.
 6. Acting within the scope of the permit: A Body Tattoo/Body Piercing Operator shall only perform those form(s) of Body Tattoo/Body Piercing that is/are indicated in the Body Tattoo/Body Piercing Operator permit application submitted to the Health Department.
 7. The Body Tattoo/Body Piercing Operator permit shall expire on June 30th each year and must be renewed unless revoked sooner by the Health Department.
 8. In order for a Body Tattoo/Body Piercing Operator permit to be renewed, Body Tattoo/Body Piercing Operators must attend a Health Department-approved educational class on Blood Borne Pathogens/Universal Precautions every year as required by OSHA, maintain current certification in Basic First Aid/CPR, and pay all applicable fees.
 9. All Body Tattoo/Body Piercing Operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.
 10. Guest Body Tattoo/Body Piercing Operator Permit.
 - A. The Health Department may issue one (7-day) Permit per year to a Guest Body Tattoo/Body Piercing Operator. Such Guest Body Tattoo/Body Piercing Operator Permit will allow a person to practice Body Tattoo/Body Piercing under the direct supervision of a Body Tattoo/Body Piercing Operator holding a valid Body Tattoo/Body Piercing Operator Permit issued by the Health Department. The issuance of a Guest Body Tattoo/Body Piercing Operator Permit is conditioned upon the applicant demonstrating the following:
 - (1) The applicant has received training equivalent to the minimum training requirement set by this Body Tattoo/Body Piercing Regulation;
 - (2) The applicant shall provide a letter of consent signed by a Health Department-approved Body Tattoo/Body Piercing Operator, a copy of the Body Tattoo/Body Piercing Operator Permit, and a copy of the Body Tattoo/Body Piercing establishment permit where the applicant will practice any Body Tattoo/Body Piercing procedures;
 - (3) Paying a set application fee paid to the Health Department.
 - B. No visiting Body Tattoo/Body Piercing Operator shall practice Body Tattoo/Body Piercing without a Guest Body Tattoo/Body Piercing Operator Permit issued by the Health Department.
 - C. Any Body Tattoo/Body Piercing Operator permitted by the Health Department requesting to have a visiting Body Tattoo/Body Piercing Operator perform under his/her supervision shall:
 - (1) Notify the Health Department in writing in advance of the proposed effective date of the requested Guest Body Tattoo/Body Piercing Operator Permit;
 - (2) Require that the visiting Body Tattoo/Body Piercing Operator obtain a Guest Body Tattoo/Body Piercing Operator permit from the Health Department.

Section 41-110

Client Files

1. For each client, proper records of identification, Body Tattoo/Body Piercing administered, informed consent, and care instructions shall be kept and retained for a minimum of two (2) years at the establishment or pre-approved location.
2. Records of each client shall be prepared prior to the Body Tattoo/Body Piercing procedure being performed and shall reflect the client's name and signature, address, proof of age, date procedure performed, design, its location and name of the Operator.
3. A statement of Informed Consent approved by the Health Department must be read and signed by the person receiving the Body Tattoo/Body Piercing procedure and maintained in the client file.
4. A signed statement by the client attesting that he/she is not under the influence of alcohol and/or drugs shall be on file.
5. A copy of instructions signed by the client advising them of proper subsequent care of the Body Tattoo/Body Piercing procedure shall be maintained on file.

6. A copy of notification signed by the client informing them of the risks involved and possible complications that might result from the Body Tattoo/Body Piercing procedure must be maintained on file.

Section 41-111 Minimum Standards

1. Each establishment where Body Tattoo/Body Piercing procedures are administered shall provide a work area separate from observers or visitors.
2. All new Body Tattoo/Body Piercing establishments permitted after adoption of these rules shall have a minimum of forty-five (45) square feet of floor space for each Operator in the establishment. Multiple workstations shall be separated by dividers, nonabsorbent curtains, or partitions.
3. At least one work area shall provide complete privacy for clients by means of doors, nonabsorbent curtains, or similar approved partition.
4. A Body Tattoo/Body Piercing establishment shall have a cleaning room to be used exclusively for the cleaning, disinfection, and sterilization of instruments.
 - A. The cleaning room shall have a separate National Sanitation Foundation (NSF) approved instrument sink or stainless steel instrument sink reserved only for instrument disinfectant activities and shall be equipped with hot and cold running water.
 - B. The cleaning room shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight feet.
 - C. The cleaning room shall be equipped with an ultrasonic cleaning unit that will remove all foreign matter from the instruments and a medical grade autoclave. The autoclave shall be used to sterilize all non-disposable and reusable Body Tattoo/Body Piercing equipment.
 - D. The autoclave shall be separated from the ultrasonic cleaner and the instruments sink by a minimum distance of forty-eight (48) inches, unless using a splashguard approved by the Health Department.
 - E. In establishments that only tattoo, the requirement for an ultrasonic cleaning unit and autoclave may be waived if the establishment only stores and uses commercially purchased sterile single use disposable tattoo instruments.
5. A wrist-action or foot pedal-operated hand sink shall be provided for each private workstation and for every two adjacent workstations. Hand sinks shall be no more than fifteen (15) feet of unobstructed distance from any workstation. Obstructions include, but are not limited to, doors. Establishments in operation prior to the adoption of these rules and regulations shall have a hand sink located within thirty-five (35) feet of unobstructed distance from each workstation.
6. The use of common towels and cloths is prohibited. Hand sinks shall be equipped with a soap dispenser and single use disposable towels on a dispenser.
7. Hot water must be a minimum of one hundred ten (110) degrees Fahrenheit.
8. At least one janitorial sink or one curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. Any hand washing sink and instrument sink shall not be used as a janitorial sink.
9. Each location shall have the facilities to properly dispose of all waste material. All materials (e.g., needles) must be disposed of in accordance with Georgia Department of Natural Resources – Environmental Protection Division – Solid Waste Management – Chapter 391-3-4.15.
10. Sanitary Facilities and Controls.
 - A. Water Supply.
 - (1) Enough potable water for the needs of the Body Tattoo/Body Piercing establishment shall be provided from an approved source that is a public water system; or a nonpublic water system that is constructed, maintained and operated according to applicable state or local codes.
 - (2) Water from a public water system shall meet 40 CFR 141 — National Primary Drinking Water Regulations and state drinking water quality standards.
 - (3) Water from a non-public water system shall follow guidelines established in the Georgia EPD and Division of Public Health Memorandum of Understanding for Non Public Water Supplies.
 - (4) The most recent sample report for the non-public water system shall be retained on file in the Body Tattoo/Body Piercing establishment and results must be forwarded to the local Environmental Health Office.
 - B. Sewage. All sewage, including liquid water, shall be disposed of by a public sewerage system or by a sewerage disposal system constructed and operated according to law.

- C. Plumbing. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other water supply or other source of contamination.
- 11. Toilet Facilities.
 - A. Toilet facilities shall be designed, installed, and maintained according to law. Toilet facilities shall be made available to customers. Public access to toilet facilities shall not be through cleaning rooms or work areas; however, for establishments in business prior to the adoption of these regulations, access through such areas may be allowed if the risk of contamination is determined to be minimal.
 - B. Toilet rooms opening directly into work or client waiting areas shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance.
 - C. All toilet rooms shall have sufficient mechanical ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
 - D. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue on a dispenser shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.
- 12. Hand Sinks.
 - A. Hand sinks shall be designed, installed, and maintained according to law. Facilities shall be of sufficient number and location to permit convenient use by clients and operators.
 - B. Each hand sink shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 20 seconds without the need to reactivate the faucet.
 - C. An approved soap dispenser with liquid soap shall be available at each hand sink. A supply of single use sanitary towels shall be conveniently located near each lavatory. Easily cleanable covered waste receptacles shall be conveniently located near the hand washing facilities.
 - D. Soap dispensers, paper towel dispensers, and all related fixtures shall be kept clean and in good repair.
- 13. Solid Waste.
 - A. Garbage and refuse shall be kept in durable, easily cleanable, leak proof and non-absorbent containers. Containers shall be kept in a clean and sound condition and disposed of according to O.C.G.A. 12-8-20.
 - B. At least one covered waste receptacle shall be provided in each Operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly or more often if necessary. All refuse containers shall be covered when not in use and maintained.
 - C. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate.
- 14. The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.
- 15. Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, durable material and maintained in good repair. Carpeting is allowed in the lobby area only and shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.
- 16. Walls, Ceilings, and Attachments.
 - A. Walls must be painted, covered, or sealed in a manner which would allow for easy and effective cleaning. Ceilings shall be maintained in good repair allowing for easy and effective cleaning.
 - B. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.
- 17. Physical Facilities. Floors, walls, ceilings, and attached equipment and decorative materials shall be kept clean and maintained in good repair.
- 18. Lighting.
 - A. Artificial light sources shall be installed to provide at least 50 foot candles of light on all work area surfaces and at equipment washing work levels.
 - B. Artificial light sources shall be installed to provide at a distance of 30 inches from the floor at least 10 foot candles of light in all other areas.
- 19. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

20. Poisonous or Toxic Materials.
 - A. Materials permitted: There shall be present in the Body Tattoo/Body Piercing establishment only those poisonous or toxic materials necessary for maintaining the establishment and cleaning or sanitizing equipment, as well as controlling insects and rodents.
 - B. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.
 - C. Toxic items shall be stored separately from other forms of materials used in Body Tattoo/Body Piercing procedures.
 - D. Spray bottles containing cleaning solutions may be used for the purpose of cleaning but not while conducting a Body Tattoo/Body Piercing procedure.
21. Premises.
 - A. Body Tattoo/Body Piercing establishment shall be kept neat, clean, and free of litter and rubbish.
 - B. Only articles necessary for the operation and maintenance of the Body Tattoo/Body Piercing establishment shall be stored within the establishment.
22. Animals: If applicable, all fish aquariums shall be cleaned and maintained in good repair. Reptiles are prohibited due to the possibility of Salmonella and other infectious microbes.
23. Equipment and Utensils.
 - A. Materials.
 - (1) Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.
 - (2) Re-use of single use articles is prohibited.
 - B. Design and Fabrication.
 - (1) General: All equipment and utensils, including plastic ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.
 - (a) Body Tattoo/Body Piercing operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult to clean internal corners and crevices.
 - (b) Sinks and drain boards shall be self-draining.
 - (2) Operational surfaces: Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
 - (3) Needles, needle bars, needle tubes and pigments shall be designed and manufactured for the sole purpose of Body Tattoo/Body Piercing.
24. Aisles and working spaces: Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of equipment or of operational surfaces by clothing or personal contact.
25. Minimum supplies of establishment: Each work station is to be equipped or stocked in the following manner:
 - A. Body Tattooing Establishments:
 - (1) a minimum of six (6) sterilized needles (with bars), and six (6) sterilized needle tubes;
 - B. Body Piercing Establishments:
 - (1) A minimum of six (6) sterilized needles, six (6) sterilized receiving tubes, six (6) sterilized medical grade forceps, and six (6) sterilized hemostats/sponge clamps.
 - C. A minimum of four extra packages of disposable towels other than the package that is being used;
 - D. A minimum of three extra boxes of medical grade disposable gloves other than the box being used;
 - E. An extra supply of bandages, ointment or gel, and antimicrobial soap.

Section 41-112 Furnishings and Fixtures

1. Furnishings of the Body Tattoo/Body Piercing establishment shall be maintained in good condition, intact, and functional. Furnishings shall be made of or covered in a material that is easily cleanable and non-absorbent. The establishment shall be kept clean, neat, and free of litter and rubbish.

2. Cabinets and closed sealable containers for the storage of instruments, pigments, single use articles (e.g., gloves, ink caps, carbon, stencils, etc.) shall be provided for each Operator and shall be maintained in a sanitary manner which protects them from contamination.
3. Work tables and chairs shall be provided for each Operator.
 - A. All exposed surfaces of all worktables and chairs shall be constructed of material, which is smooth, nonabsorbent, corrosion resistant, and easily sanitized.
 - B. All exposed surfaces of work tables and chairs shall be sanitized with a disinfectant solution at the beginning of each work day, after each procedure on each individual, and at the end of each work day.

Section 41-113 Supplies

1. Single use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the work area and toilet facilities.
2. All materials applied to the human skin, such as inks and ointments shall be commercially packaged and dispensed in single-use, disposable containers and shall be disposed of after each use.
3. Only commercially packaged, single-use, sterilized needles shall be used.

Section 41-114 Sanitation

1. All Operator jewelry such as watches, rings, etc. shall be removed from hands prior to the start of a Body Tattoo/Body Piercing procedure.
2. Prior to the start of the Body Tattoo/Body Piercing procedure, the Operator shall inspect his/her hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage shall be applied for added protection before gloving. Trim fingernails to not extend past the tips of the fingers to insure that gloves are not punctured. Recent tattoos or piercings in the healing process shall also be properly covered to prevent any bodily fluid transfer.
3. Use aseptic technique. Thorough hand washing is essential before and after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.
4. Before performing Body Tattoo/Body Piercing procedures, the Operator must thoroughly wash hands in hot, running water with antibacterial soap, then rinse hands and dry with disposable paper towels. Use of hand sanitizers is recommended after each hand washing. Hand washing shall be done as often as necessary to remove contaminants.
5. Medical grade single use disposable latex or approved non-latex examination gloves shall be worn during the Body Tattoo/Body Piercing procedure. Gloves shall be changed and properly disposed of each time there is an interruption in the Body Tattoo/Body Piercing procedure, the gloves become torn or punctured, or whenever their ability to function is compromised. Hands must be thoroughly washed whenever gloves need changing and prior to the Operator leaving the workstation. Under no circumstances shall a single pair of gloves be used on more than one individual.
6. A Body Tattoo/Body Piercing Operator shall maintain the highest degree of personal cleanliness, conform to standard hygienic practices, and wear clean clothes when performing Body Tattoo/Body Piercing procedures. Single use aprons, smocks, or sleeve covers are acceptable. Open-toed shoes shall not be permissible.
7. The skin of the Operator shall be free of rash or infection. No Operator afflicted with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a Body Tattoo/Body Piercing establishment in any capacity in which there is likelihood that the individual could contaminate Body Tattoo/Body Piercing equipment, supplies, or working surfaces with body substances or pathogenic organisms.
8. Only single use disposable razors shall be used to shave the area receiving Body Tattoo/Body Piercing.
9. Any item or instrument used for Body Tattoo/Body Piercing that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
10. Universal precautions, as defined in these rules, shall be observed to prevent contact with blood or other potentially infectious materials. All employees shall be trained in universal precautions.
 - A. Assume all human blood, plasma, serum, body fluids (semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood) and tissues to be contaminated with Human Immunodeficiency Virus (HIV), Hepatitis virus, or bacteria such as Staphylococcus or Streptococcus.

- B. The most susceptible route of occupational infection for HIV, HBV, and HCV is by accidental needle sticks, but may include contamination of the mucous membranes, or through broken, abraded, or irritated skin. Use appropriate caution and maximum protection to prevent such contact.
- C. Proper decontamination procedures, emergency biohazard spill management, and proper use of biosafety equipment shall be utilized.
- D. Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.
- E. All regulated wastes shall be disposed of in labeled, manufacturer's color-coded waste containers. Infectious material spills shall be cleaned using an Environmental Protection Agency (EPA) registered disinfectant and universal precautions.
- F. Clean all work areas and equipment used in handling human biohazardous materials with an EPA registered disinfectant when concluding work to protect personnel from accidental infection.
- G. Eating, use of tobacco products, applying cosmetics or lip balm are not permitted in the work area.
- H. All procedures shall be performed carefully to minimize the creation of aerosols which could transmit infectious material.
- I. Employees shall report all work related accidents, incidents, and unexplained illness to their supervisor and/or physician immediately.
- J. Soiled gloves shall be removed in a manner to minimize the risk of self contamination or cross contamination after each operation and prior to contacting work surfaces, door knobs, wall switches, or telephones. Dispose of used gloves in a bagged trash container.
- K. Food storage cabinets or refrigerators shall be located outside the work area.

Section 41-115 Instrument Cleaning

- 1. Used non-disposable instruments shall be kept in a separate puncture resistant container soaked in an EPA approved disinfectant until cleaned. The solution shall be changed as recommended by the solution manufacturer.
- 2. Employees shall use personal protective equipment, protecting their eyes, nose, mouth and hands while cleaning instruments and follow manufacture's safety precautions for any chemicals used.
- 3. Instruments shall be completely disassembled and must be cleaned by immersing in detergent and water in an ultrasonic cleaning unit following manufacturer's directions. The ultrasonic unit must be sealed and covered when in use to protect from aerosolization.
- 4. After removal from ultrasonic cleaning unit, instruments shall then be brush scrubbed in hot water and soap, in a manner approved by the Health Department avoiding aerosolization, then rinsed in clean water and dried.
- 5. Ultrasonic cleaning units shall be clearly labeled "biohazardous" and placed away from the autoclave and workstations and shall be operated in accordance with the manufacturer's recommendation.
- 6. The ultrasonic cleaning unit shall be used and maintained according to manufacturer's specifications, emptied, thoroughly cleaned, and disinfected per manufacturer's recommendations after each use.

Section 41-116 Sterilization

- 1. Cleaned Instruments shall be packed individually in sterilized packs and sterilized in a medical grade autoclave. All sterilized packs shall contain either a sterilized indicator or internal temperature indicator.
- 2. Prior to being placed in the autoclave all equipment shall be bagged, labeled, initialed, dated and sealed. Packages will no longer be considered sterile six (6) months after the date of sterilization.
- 3. Each autoclave bag must be used in accordance with the manufacturer's recommendations and may hold no more than one individual item (e.g., one tube or needle bar). A piercing set may be bagged together.
- 4. The medical grade autoclave shall be used and maintained according to manufacturer's specifications. The medical grade autoclave shall be thoroughly cleaned and disinfected daily. The autoclave manufacturer's instructions must be available at all times.
- 5. After sterilization, the packaged instruments shall be stored in a clean dry cabinet or other tightly covered container reserved and labeled for storage of sterile instruments.
- 6. If a sterilized package has been breached or allowed to get wet, the instrument(s) must be repackaged and sterilized again before use.
- 7. Spore indicators shall be used a minimum of at least once a month (unless more frequent monitoring is specified by the manufacturer) and the results must be kept on-site for a minimum of two years. An independent

commercial testing laboratory contracted by the Administrative Body shall perform monthly biological spore testing of the autoclave. A provision shall be included in the contract between the Administrative Body with the commercial testing laboratory requiring the commercial testing facility to notify the Health Department of any failure of the autoclave to eradicate all living organisms, including spores.

8. Upon notification of a positive microbiological monitoring report, the sterilizer shall be immediately checked for proper use and function, and the Operator shall cease use of the sterilizer immediately upon receipt of the positive report. Three consecutive negative biological tests must be achieved before the establishment is reopened. The establishment shall have the option to obtain a properly functioning sterilizer with a negative biological report in order to remain open or if the facility has more than one autoclave in operation they may be given approval to remain open. The Health Department may consider the Body Tattoo/Body Piercing establishment's emergency plan should autoclave failure or malfunctions occur.

Section 41-117 Dyes and Pigments (Ink)

1. All ink shall be from commercial professional suppliers, specifically manufactured for the tattooing of human skin, containing an alcohol based preservative, and shall be used according to the manufacturer's instructions.
2. All ink shall be handled by using the following protocol:
 - A. All bulk containers of ink shall not be used for longer than twelve (12) months from the date of initial opening, and not longer than the manufacturer's expiration date. Each open bulk container must be labeled with the date the container is first opened.
 - B. A supply of ink must be located at each work station and stored in a closed cabinet or drawer.
 - C. Containers of ink may only be handled while wearing clean medical grade gloves.
 - D. The tops of containers of ink must be disinfected prior to dispensing. After dispensing, the containers must be disinfected and immediately returned to their approved storage location before any tattoo procedures begin.
 - E. All ink must be dispensed into approved single use containers.
3. After tattooing, the remaining unused pigment in the single use container(s) shall be properly discarded along with the container(s).
4. In preparing dyes and pigments to be used by the operator, only nontoxic single use materials shall be used.
5. The Material Safety Data Sheet (MSDS) of all inks must be available for client review to assess any possible allergic reactions to ingredients.

Section 41-118 Tattoo Preparation

1. All medical trays used in tattooing must be washed in hot water and soap and dried, then saturated with disinfectant prior to the procedure.
2. Medical grade disposable gloves shall be worn during the preparation of equipment and during the tattoo procedure.
3. Before the procedure begins, all utensils to be used in the tattooing must be placed on a medical grade absorbent liner that is waterproof on one side, which must be placed on the disinfected medical tray.
4. Only a commercially packaged single use pre-sterilized needle assembly with bar shall be used and disposed of immediately after use into a puncture proof disposable biohazard container.
5. The use of some rotary pens is permitted. Any rotary pen that uses a sponge at the opening of the chamber to stop the pigment or body fluids from getting into the machine or is designed in a manner that does not allow it to be properly cleaned and sterilized is prohibited.
6. Only rotary machines or other instruments that are engineered to prevent cross contamination through the use of detachable, disposable or autoclavable components shall be used.
7. Sterilized instruments shall remain in sterile packages until opened in front of the client.
8. Any part of a tattooing machine that may be touched by the Operator during the procedure shall be covered with a disposable plastic sheath that is discarded after each procedure and the machine shall be disinfected.
9. A clip cord sleeve and barrier film shall be used over exposed electrical cords or other cleaning and disinfection methods demonstrated to prevent contamination.
10. All devices used to apply pigments must be designed and used to prevent backflow of pigments into the machine.
11. Single use towels or gauze shall be used in preparing the site to be tattooed and shall be disposed of after use on each patron or client.

12. If shaving is necessary, only single use disposable razors shall be used and shall be disposed of after use on each patron or client.
13. After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be thoroughly cleaned and germicidal solution applied in a sanitary manner before each placement of design on the skin.
14. When a workstation rinse cup is used alone, the cup and solution shall be disposable and discarded after each client.
15. If squirt/spray bottles are used to dispense liquids, the liquid shall be applied onto a single-use wipe rather than directly onto the client.
16. Single use ointment tubes, applicators, and supplies shall be discarded after each tattoo application on each patron or client.
17. When a stencil is used in body tattooing for transferring the design to the skin, it shall be single use and disposable. The use of roll-on or stick deodorants for tattoo site preparation is prohibited.
18. The stencil shall be applied with antimicrobial soap or a Health Department-approved product dispensed from a container in a manner that does not contaminate the unused portion.
19. When the design is drawn directly onto the skin, pre-sterilized, single use non-toxic pens or markers shall be used and discarded after each use.

Section 41-119 Piercing Jewelry

1. Client and body piercer shall have appropriate size and quality jewelry chosen before the procedure begins. Random jewelry shall not be used for the initial piercing.
2. Jewelry used in piercing shall be one of the following: Surgical Steel that is American Society of Testing Materials International (ASTM) F-138, International Standards Organization (ISO) 58321, or ISO 10993-(6,10 or 11) compliant; Titanium that is ASTM F-136, ASTM- 67, or ISO 5832-3 compliant; Niobium; Solid Platinum; Biocompatible Polymers Tygon, PTPE, or Bioplast; Glass such as fused quartz, lead-free borosilicate and lead-free soda-lime glass that can be autoclaved; or Solid 14 karat or higher, white or yellow nickel-free gold. Copies of the jewelry manufacturer's documentation, which verify compliance with these standards, must be available for inspection on request.
3. The jewelry must be free of nicks, scratches, or irregular surfaces and must be properly sterilized prior to use.
4. All jewelry shall be sterilized in a medical grade autoclave, stored in sterile indicator bags, sealed and dated.
5. Ear studs or other jewelry designed for earlobe piercing are not appropriate jewelry for other body parts and must not be used by body piercers.

Section 41-120 Body Piercing Preparation

1. All medical trays used in body piercing must be washed in hot water and soap and dried, then saturated with disinfectant prior to the procedure.
2. Medical grade disposable gloves shall be worn during the preparation of equipment for a Body Piercing procedure and during the procedure.
3. Before the procedure begins, all utensils to be used in the body piercing must be placed on a medical grade absorbent liner that is waterproof on one side, which must be placed on the disinfected medical tray.
4. Only a commercially packaged single use pre-sterilized piercing needle shall be used and disposed of immediately after use into a puncture proof disposable biohazard container.
5. Pre-sterilize all forceps, hemostats, calipers, and tubes in sealed, properly labeled, sterile indicator bags. These items are to be used on one person, in one sitting. After one such use, they must be cleaned and sterilized as required in these regulations.
6. Sterilized instruments and jewelry shall remain in sterile packages until opened in front of the client.
7. Single use towels or gauze shall be used in preparing the piercing site and shall be disposed of after use on each patron or client.
8. After shaving the area to be pierced, or if the area does not need to be shaved, the piercing site shall be thoroughly cleaned and germicidal solution applied in a sanitary manner before beginning the procedure.
9. In the case of oral piercings, the Operator shall provide the individual with antiseptic mouthwash in a single use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this section for both skin and oral piercings shall be followed.

Section 41-121 Body Tattoo/Body Piercing Aftercare

1. The completed tattoo shall be washed with a single use towel saturated with an antimicrobial solution.
2. After the area has dried, apply a layer of antibacterial ointment or other approved product from a single use container or single use collapsible plastic tube.
3. A bandage or dressing shall then be applied to the tattoo using a commercially packaged sterile sealed non-sticking pad or wrap.
4. Verbal and written instructions, approved by the Health Department for the care of the Body Tattoo/Body Piercing procedure site shall be provided to each client by the Operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection, file a report with the Health Department and shall contain the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the Operator retaining the original with all other required records.
5. The facility shall also post in public view the name, address and phone number of the Oglethorpe County Health Department and the procedure for filing a complaint. A copy of the notice for filing a complaint shall be included in the establishment application packet.

Section 41-122 Disinfection of Workplace

1. Each Body Tattoo/Body Piercing establishment must be kept clean and sanitary. The owner must develop and implement a written cleaning schedule that includes appropriate methods of decontamination and tasks or procedures to be performed.
2. This written schedule must be based on the location within the establishment, the type of surfaces to be cleaned, type of possible contamination present, the tasks or procedures to be performed, and their location within the establishment.
3. The following procedures shall be adhered to:
 - A. Clean and sanitize all equipment and work surfaces with an appropriate EPA registered disinfectant at the beginning of each work day, after completion of each and every Body Tattoo/Body Piercing, and at the end of each work day.
 - B. Remove and replace protective coverings such as plastic wrap and aluminum foil after each Body Tattoo/Body Piercing procedure.
 - C. Inspect and decontaminate, on a daily basis, reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated. When contamination is visible, clean and decontaminate receptacles immediately.

Section 41-123 Disposal of Waste

1. Needles or other sharp instruments used during Body Tattoo/Body Piercing procedures shall be placed immediately after use in puncture resistant, closed containers with a biohazard label.
2. Used needles shall not be purposely bent or broken, or otherwise manipulated by hand.
3. Filled sharps containers shall be considered regulated waste and shall be sent to a facility where they are either incinerated, rendered non-hazardous, or deposited in a landfill approved to accept biomedical waste in compliance with Georgia Department of Natural Resources — Environmental Protection Division — Solid Waste Management — Chapter 391-3-4.15.
4. Regulated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in a sealed bag. It must then be disposed of in compliance with Georgia Department of Natural Resources — Environmental Protection Division — Solid Waste Management — Chapter 391-3-4.15.
5. Waste potentially contaminated with small amounts of blood or other infectious body fluids (e.g., gauze, wipes, disposable lap cloths), which does not meet the definition of regulated waste, shall be double-bagged in sealed, impervious bags to prevent leakage of the contained items. These bags shall be of sufficient strength to prevent breakage or leakage and shall not contain any sharps. The waste bags shall be containerized and disposed of in an approved sanitary landfill.
6. Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.

7. Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects, rodents, or vermin. Solid waste shall not be stored outdoors unless in a secured and lidded dumpster, and in compliance with county/city solid waste ordinances.

Section 41-124 Inspections

1. The establishment and its records shall be available for review and examination by properly identified representatives of the Oglethorpe County Health Department.
2. A copy of the inspection report shall be posted within fifteen feet (15') of the front or primary public door and between five feet (5') and seven feet (7') from the floor and in an area where it can be read at a distance of one foot (1').
3. Body Tattoo/Body Piercing establishments shall be inspected at least twice each calendar year.
4. Environmental Health Specialists shall complete an Occupational Safety and Health Administration (OSHA) approved Blood Borne Pathogens/Universal Precautions course, and pass a Departmental exam.
5. Inspection results - Reporting and Scoring.
 - A. Inspection results for Body Tattoo/Body Piercing establishments shall be recorded on standard departmental forms.
 - B. The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of five (5) points, with minor violations having assigned values of either one (1) or two (2) points.
 - C. The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).
6. Violation Correction.
 - A. Correction of critical and minor violations shall be within five (5) and ten (10) calendar days, respectively.
 - B. Upon declaration of an imminent health hazard which cannot be immediately corrected, the local Environmental Health Specialist shall issue an order requiring the facility to immediately cease operations until authorized to reopen.

Section 41-125 Enforcement and Penalties

1. Enforcement of these Rules and Regulations shall be in accordance with O.C.G.A. 31-5, Article 1. The Health Department shall have the power and authority to suspend or revoke permits for failure to comply with the provisions of this Chapter.
2. The Oglethorpe County Board of Health shall have primary responsibility for the enforcement of these Rules and Regulations within its jurisdiction and may include adoption of code by the governing bodies of counties and municipalities for the purpose of enforcement.
3. The Health Department/County Board of Health is empowered to institute appropriate proceedings in a court of competent jurisdiction for the purpose of enjoining violation of any applicable provision of Title 31 of the Official Code of Georgia Annotated, or of the Rules and Regulations.
4. No Body Tattoo/Body Piercing establishment shall operate without a permit. Failure or refusal to file an application for a permit shall constitute a violation of Chapter 40 of Title 31 of the Official Code of Georgia Annotated. Any person who fails or refuses to file including, but not limited to, an order to cease and desist operating a Body Tattoo/Body Piercing establishment shall be subject to an injunction or other penalties from a court of jurisdiction.
5. When an application for a permit is denied or the permit previously granted is to be suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing as provided in O.C.G.A. 31-5, Article 1.
6. If an application is denied or a permit is suspended or revoked, the applicant or holder of the permit must be notified in writing, specifically stating any and all reasons why the action was taken.
7. The purpose of these procedures is to state the minimum actions to be taken to fulfill the obligation of the Health Department in assuring compliance with the regulations when the continued operation of a Body Tattoo/Body Piercing establishment presents a substantial and imminent health hazard to the public or when a Body Tattoo/Body Piercing establishment is in flagrant or continuing violation of this Chapter.
8. Suspension is effective upon service of a written notice thereof, and Body Tattoo/Body Piercing procedures must cease immediately.
9. The notice must state the basis for the suspension and advise the permit holder of the right to a preliminary hearing with the Health Department, upon request, within 72 business hours.

10. If requested, the preliminary hearing will be held by an experienced supervisory level employee of the Health Department not directly involved in the suspension.
11. The rules of evidence will not apply, but both the Health Department and the permit holder may present witnesses, records and argument.
12. The hearing official will be authorized immediately to rescind or modify the suspension or to continue the suspension with or without conditions.
13. If the suspension is not rescinded, the permit holder will have the right to request an evidentiary hearing. If a hearing is not requested, upon correction of all violations, the owner may request an inspection to reinstate the permit.
14. Notice of Hearing. For the purpose of this Chapter a notice of hearing is properly served when delivered in person or by registered or certified mail.
15. Conditions Warranting Action. The Health Department may summarily suspend a permit to operate a Body Tattoo/Body Piercing establishment if it determines through inspection, or examination of employees, records, or other means as specified in this Chapter, that an imminent health hazard exists.
16. Resumption of Operations. If operations of a Body Tattoo/Body Piercing establishment are discontinued due to the existence of an imminent health hazard or otherwise according to law, the permit holder shall obtain approval from the Health Department before resuming operations.

Section 41-126 Appendix I

Universal Precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol.38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immune Deficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol.40, No.RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, HCV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Section 41-127 Effective Date

These Rules and Regulations shall become effective on June 9, 2011.

(Adopted May 10, 2011)

ORDINANCE

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF OGLETHORPE COUNTY, GEORGIA ADOPTING A CODE OF THE ORDINANCES FOR THE COUNTY ENTITLED "THE CODE OF OGLETHORPE COUNTY PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN AND FOR OTHER PURPOSES:

Be it ordained by the Board of Commissioners of the Oglethorpe County, Georgia, and it is hereby ordained by the authority of the same as follows:

Section 1: There is hereby adopted by the Board of Commissioners a code entitled, "The Code of Oglethorpe County, Georgia, 20____," containing" certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, of which code not less than two (2) copies have been and are now filed in the Office of the County Clerk, authenticated by the signatures of the County Chair and the County Clerk, and signed by the members of the Board of Commissioners of Oglethorpe County, said code being hereto attached and made a part hereof.

Section 2: The provisions of this Code shall be in force and effect on _____, 20____ and all ordinances of a general and permanent nature in force on such date and not contained in the Code are repealed by this ordinance from and after such date, except as may be provided hereinafter.

Section 3: The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before _____, 20____; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the county or authorizing the issue of any bonds, including revenue certificates, of Oglethorpe County or any evidence of the county's indebtedness or any contract or obligation assumed by the county; nor shall such repeal affect the administrative ordinances or resolutions of the county or any person or corporation; nor shall it affect any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to _____, 20____.

Section 4: It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or of the Code hereby adopted shall be declared unconstitutional or otherwise invalid by Valid Judgment or Decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or of the Code hereby adopted.

Read and adopted in the regular meeting of the Board of Commissioners held on this ____ day of _____, 20____.

ATTEST:

County Chairman

County Clerk

Board of Commissioners Member
Dist. 1

Board of Commissioners Member
Dist. 2

Board of Commissioners Member
Dist. 3

Board of Commissioners Member
Dist. 4

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