



# CODE OF THE CITY OF MIDWAY, GEORGIA

The General Ordinance of the City

Ordained and Published By Order of the Mayor and Council

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MIDWAY, GEORGIA

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GEORGIA MUNICIPAL ASSOCIATION

National Bank of Georgia Building  
201 Pryor Street, Southwest  
Atlanta, Georgia 30303

CITY OFFICIALS

Mayor  
James Grant

Council Members  
Magalene Clancy, Mayor Pro Tem  
Hershel Halstead  
Oswald (Buddy) Holton  
Henry O. Stevens, Sr.

City Clerk  
Wilma Powell Lyles

CITY ATTORNEY  
J. Sidney Flowers

CLERK OF MUNICIPAL COURT  
Gloria Cook

## PREFACE

The GEORGIA MUNICIPAL ASSOCIATION is pleased to publish this new code of ordinances. The code is a codification of all ordinances of the general and permanent nature. The code has been adopted by the governing body through the enactment of a single ordinance and thus constitutes the general body of ordinances enacted by the municipality.

The code includes several features that will facilitate its use. The various chapters and articles of the code follow one another in a natural, logical order. The table of contents, with a complete outline of this order, will often provide sufficient reference points for the reader. In addition, the reader may consult the index at the end of the volume. At the beginning of each chapter there is a section-by-section listing of the provisions within the chapter.

Non-textual provisions such as severability clauses, repealer and enacting clauses are covered in title 1 of this code and apply to the entire code. Various editorial notes such as state law references and cross-references have been included throughout the code to clarify its provisions.

Supplementation service is available to keep the code current. Supplements are published in loose-leaf form so that all new ordinances may be printed for inclusion on a regular basis.

We gratefully acknowledge the cooperation and assistance rendered by the municipal officials in the preparation of this code.

GEORGIA MUNICIPAL ASSOCIATION

## ADOPTION ORDINANCE

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

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

Section 1. The document entitles “Code of the City of Midway, Georgia,” a copy of which accompanies this ordinance and is incorporated herein and made a part hereof, is hereby adopted and shall be treated and considered as a new and original comprehensive ordinance.

Section 2. All ordinances and resolutions of a general and permanent nature of this city enacted on final passage on or before \_\_\_\_\_, and not in the code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

Section 3. The repeal provided for in section 2 hereof shall not affect any offense of act committed or done of any penalty of forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall this repeal affect any ordinance or resolution of the city promising or guaranteeing the payment of money by or to the city, or authorizing the issuance of any bonds of the city, or any evidence of the city’s indebtedness, or any contract of obligation assumed by the city; nor shall this repeal affect any rights franchise granted by any ordinance or resolution of the city to any person, firm or corporation; nor shall this repeal affect any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city; nor shall this repeal affect the present annual appropriation or resolution levying or imposing charges, fees or taxes now due or accrued; nor shall this repeal affect any zoning ordinance of the city or amendments thereto; nor shall this repeal be constructed to revive any ordinance or resolution or part thereof that has been repealed by a subsequent ordinance or resolution which is repealed by this ordinance.

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

Section 5. Any and all additions or amendments to the code, when passed in such form as to indicate the intention of the mayor and council to make the same a part thereof, shall be deemed to be incorporated into the code so that reference to “The Code of the City of Midway, Georgia,” shall be understood and intended to include such additions and amendments.

Section 6. A copy of the code shall be kept on file in the office of the city clerk, and preserved in loose-leaf form, or in such other form as the city clerk may consider most expedient. It shall be the express duty of the city clerk or someone authorized by the city clerk, to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of the city governing authority to make those provisions a part of the code, when those provisions have been reprinted in page form, and the extract from the code all provisions which may be

from time to time repealed. A copy of the code shall be available for all persons desiring to examine it shall be considered the official code of the city.

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

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

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

Section 10. All ordinances or parts of ordinances in conflict herewith are, to the extent of any conflict, hereby repealed.

Section 11. This ordinance shall be in force and take effect on \_\_\_\_\_, 19\_\_\_\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_/s/ James Grant\_\_\_\_\_ Mayor

\_\_\_\_\_/s/ Wilma Powell Lyles\_\_\_\_\_ City Clerk

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# TITLE 1

## General Provisions

### Chapter 1 Use of Code and Penalties

#### CHAPTER 1

#### Use of Code and Penalties

- § 1-1-1 How code designated and cited.
- § 1-1-2 Rules of construction.
- § 1-1-3 Catch-lines of sections.
- § 1-1-4 Severability of parts of code.
- § 1-1-5 General penalty; continuing violations.
- § 1-1-6 Amendments to code; effect of new ordinances; amendatory language.
- § 1-1-7 Altering code.

#### Section 1-1-1 How code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated “Code of Midway, Georgia,” and may be so cited.

#### Section 1-1-2 Rules of construction.

In the construction of this code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the mayor and council:

- (1) City. The words “the city” or “this city” shall be construed as if the words “of Midway” followed.
- (2) Computation of time. When a number of days is prescribed for the exercise of any privilege, or the discharge of any duty, only the first or last day shall be counted; and if the last day shall fall on Saturday or Sunday, the party having that privilege or duty, shall have through the following Monday to exercise that privilege or to discharge such duty.
- (3) Council. The words “council” shall mean the Council of the City of Midway.
- (4) County. The words “the county” or “this county” shall mean the County of Liberty.
- (5) Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well and to males.
- (6) Interpretation. In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this code imposes greater restrictions upon the subject matter than the general provision imposed by this code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

- (7) Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving that authority to a majority of those persons or officers.
- (8) Keeper and proprietor. The words “keeper” and “proprietor” shall mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.
- (9) Limits or corporation. The words “limits” or “corporation” shall mean the corporate limits (legal boundary) of the city.
- (10) Mayor. Whenever the word “mayor” is used it shall mean the Mayor of the City of Midway.
- (11) Month. The word “month” shall mean a calendar month.
- (12) Municipality. Wherever the word “municipality” appears in this code, it shall mean the City of Midway, Georgia.
- (13) Name of officer. Whenever the name of an officer is given, it shall be construed as though the words “of the City of Midway” were added.
- (14) Non-technical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and any others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning.
- (15) Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (2) person and thing.
- (16) Oath. The work “oath” includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken. An affirmation has the same force and effect as an oath.
- (17) Or, and. “Or” may be read “and” and “and” may be read “or” if the sense requires it.
- (18) Owner. The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or join tenant of the whole or of a part of such a building or land.
- (19) Person. The word “person” shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.
- (20) Personal property. “Personal property” includes every species of property except real property, as herein defined.
- (21) Preceding, following. The words “preceding” and “following” mean next before and next after, respectively.
- (22) Property. “Property” includes real, personal and mixed estates and interests.

- (23) Public place. The words “public place” shall mean any place including, but not limited to, buildings or conveyances to which the public has, or is permitted to have access, including restaurants, soda fountains, hotel dining rooms, lobbies and corridors or hotels, and any highway, street, lane, park or place of public resort or amusement.
- (24) Real property. “Real property” shall include lands, tenements and hereditaments.
- (25) Sidewalk. The word “sidewalk: shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (26) Signature or subscription. “Signature” or “Subscription” includes a mark when the person cannot write.
- (27) State. The words “the state” or “this state” shall be construed to mean the State of Georgia.
- (28) Street. The word “street: shall be construed to embrace streets, avenues, boulevards, roads, public alleys, lanes, viaducts and all other public highways in the city.
- (29) Tenant or occupant. The words “tenant” or “occupant,” applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of, that building or land, either alone or with others.
- (30) Time. Words used in the past or present tense include the future as well as the past and present.
- (31) Week. The word “week” shall be construed to mean seven (7) days.
- (32) Written, in writing. “Written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.
- (33) Year. The word “year” shall mean a calendar year.

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

Section 1-1-3 Rules of construction.

The catch-lines of the several section of this code are intended as mere catch-words to indicate the contents of the section and shall not be deemed or taken to be titles of those section nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catch-lines, are amended or reenacted.

Section 1-1-4 Severability of parts of code.

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

Section 1-1-5 General penalty; continuing violations.

- (1) Whenever in this code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this code or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of that provision of this code or that ordinance shall be punished by a fine not to exceed \$100 or imprisonment for a term not exceeding 30 days, or work on the public streets or public works of the city for a term not exceeding 30 days, subject to all limitations contained in the charter of the city. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.
- (2) The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the city's charter or code.

Section 1-1-6 Amendments to code; effect of new ordinances; amendatory language.

- (1) All ordinances passed subsequent to this code which amend, repeal or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein. Chapters, sections and subsections or any part thereof, repealed by subsequent ordinances, may be excluded from the code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of those subsequent ordinances until such time that the code and subsequent ordinances numbered or omitted are readopted as a new code by the mayor and council.
- (2) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.
- (3) When necessary, sections and subsections to the code may be renumbered by the official codifier for the city to fulfill the intent for the governing body but all such changes shall be approved in advance by the city attorney.

Section 1-1-7 Altering code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part of portion thereof, or to alter or tamper with this code in any manner except by ordinance or other official act of the mayor and council which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in sections 1-1-5.

Cross Reference: Offenses, generally, Title 9.

TITLE 2

General Government

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

CHAPTER 1

Mayor and Council

ARTICLE A

General Provisions

- § 2-1-1 Compensation.
- §§ 2-1-2 through 2-1-10 reserved.

ARTICLE B

MEETINGS

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

ARTICLE A

General Provisions

Section 2-1-1 Compensation.

- (1) The mayor shall be compensated for services to the city in the amount of \$1,800 per year.
- (2) Each council member shall be compensated for services as a council member in the amount of \$900 per year.

Sections 2-1-2 through 2-1-10 reserved.

## ARTICLE B

### Meetings

#### Section 2-1-11 Regular meetings.

Regular meeting of the mayor and council are held at the city hall or at such other place as may be designated, on the second Monday of each month at 6:00 PM.

#### Section 2-1-12 Adjourned meetings.

If a quorum shall fail to attend any regular or special meeting of the mayor and council or if for any reason any meeting shall fail to complete transaction of the business before the meeting, the meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present.

#### Section 2-1-13 Order of business.

- (1) The order of business at all regular meetings shall be as follows:
  - (a) approval of minutes of last meeting;
  - (b) approval of invoices;
  - (c) corrections, if any, to be made in same;
  - (d) reports of committees;
  - (e) unfinished business;
  - (f) reading by the clerk of any communications; and
  - (g) new business.
- (2) If the mayor and council direct any matter to be the special business of a future meeting, that matter shall have precedence over all other business at that future meeting.
- (3) No proposition shall be entertained by the mayor and council until it has been seconded, and every proposition shall, when required by the mayor or any member, be reduced to writing.

#### Section 2-1-14 Rules or procedure.

Except as otherwise provided by ordinance, the procedure of the mayor and council shall be governed by Robert's Rules of Order.

#### Section 2-1-15 Previous questions.

The previous questions may be called at any time by a majority of the members present. The ayes and nays may be called for by any member.

Section 2-1-16 Motions having precedence.

- (1) When a question is under consideration no motion shall be received except as follows:
  - (a) to lay on the table;
  - (b) to postpone to a time certain;
  - (c) to postpone indefinitely;
  - (d) to refer to a committee;
  - (e) to amend;
  - (f) to strike out or insert; or
  - (g) to divide.
- (2) Motions for any of these purposes shall have precedence in the order named.

Section 2-1-17 Motion to adjourn.

A motion to adjourn shall always be in order and shall be decided without debate.



## CHAPTER 2

### Elections

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

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

#### Section 2-2-1 Election officials.

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

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

#### Section 2-2-2 Voter registration deadline.

The deadline for registration of voters in city elections shall be at 5:00 PM on the day, 15 days prior to the date of the election.

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

#### Section 2-2-3 Notice of candidacy; filing dates.

Notices of candidacy shall be filed by candidate for office of the governing authority not sooner than 45 days prior to the election in the case of a general election and not sooner than 30 days prior to the election in the case of a special election. The deadline for filing the foregoing noticed of candidacy shall be 22 days prior to the election in the case of a general election; and 15 days prior to the election in the case of a special election. Notices of candidacy shall be filed in the office of the municipal election superintendent during normal business hours.

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

#### Section 2-2-4 Qualification fees.

The qualification fee for candidates filing a notice of candidacy in any general or special election shall be \$50 for the office of mayor and \$25 for the office of city council member, which fees shall be received by the municipal election superintendent at the time of filing the notice of candidacy and paid over to the city.

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

Section 2-2-5      Polling place.

The polling place shall be as fixed from time to time by resolution of the mayor and council.

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

## CHAPTER 3

### Municipal Court

State Law Reference: Municipal courts, O.C.G.A., Section 36-32-1 et. seq.

- § 2-3-1 Creation; jurisdiction.
- § 2-3-2 Sessions; judge; powers.
- § 2-3-3 Clerk; bailiff.
- § 2-3-4 Right of certiorari.
- § 2-3-5 Cases bound over.
- § 2-3-6 Appearance bonds; acceptance; forfeiture.

Section 2-3-1 Creation; jurisdiction.

- (1) There is created and established in the City of Midway a municipal court which shall be vested with all judicial power and authority usually conferred upon such courts in this state, as well as those provided by the charter.
- (2) The jurisdictional limits of the court shall include the corporate limits proper of the City of Midway, and the court shall have jurisdiction to try offenders against the laws and ordinances of the city committed within the jurisdictional limits of same, and any and all other powers of municipal courts as set forth in chapter 32 or title 36 of the O.C.G.A.

Section 2-3-2 Sessions; judge; powers.

- (1) Said court shall be held as often as necessary for trial of offenders, with the times and terms of court to be determined by the judge of the court. The judge shall be an attorney authorized to practice law in the State of Georgia and a resident of the Atlantic Judicial Circuit. The judge of the municipal court shall be appointed by the mayor and council.
- (2) In the event of the absence or disability of the judge of the municipal court, the mayor or the judge of the municipal court may appoint some other attorney having the necessary qualifications to serve as judge of the court.
- (3) The judge of the municipal court when sitting as such court shall have the power and authority to punish for contempt by a fine not exceeding \$50 or by imprisonment not exceeding 10 days, or by both such fine and imprisonment.
- (4) Upon the conviction of any defendant or violator of any law or ordinance of the city, the court shall have the right to sentence the offender to pay a fine not exceeding \$100 or 30 days imprisonment, or both. Terms of the payments of fines, or terms of serving sentenced, shall be at the discretion of the judge; fines may be paid in installments as directed by the court; sentences may be served in the common jail provided for such purpose or community service may be required of the defendant after conviction, in the event that the fines levied are not paid. The court shall have the power to assess costs against all defendants convicted, to be collected and enforced in addition to, and in the same manner as, fines, all said costs and fines to be paid into the city treasury. The

court may issue executions for any unpaid fines and costs to be enforced in the same manner as ad valorem tax executions are enforced.

- (5) All cases made in the court shall be in the name of the City of Midway; all warrants for offenses against the laws and ordinances of the city shall be signed by the judge of the court or some officer authorized by law to issue warrants in the State of Georgia; and all other processes of the city, including subpoenas, summons, etc., shall be signed by the clerk and shall bear teste in the name of the judge of the court.
- (6) The judge of the court shall have the power to administer oaths and to perform all other acts necessary or proper in the conduct of the court, and where it appears that a state law has been violated and the case is one in which the municipal court does not have jurisdiction the judge shall have the power to bind the offender over to the proper court of Liberty County for trial, to assess bail for the offender's appearance, and to commit the offender to the jail of Liberty County in default of bond, unless the offense alleged is one of those enumerated offenses over which the superior court shall have exclusive jurisdiction to conduct such court of inquiry.
- (7) The court shall have the right to compel the attendance of witnesses inside or outside the jurisdictional limits of the city and may issue attachments where necessary to secure the attendance of any nonresident witness subpoenaed, but the city shall not be required to incur any expense in securing the attendance of any nonresident witness subpoenaed by a defendant.

Section 2-3-3 Clerk; bailiff.

The city clerk, or one of the authorized assistants to the clerk, shall act as clerk for the court and the chief of police, or the chief's deputies, shall act as bailiff and shall attend the court and perform all duties therein prescribed by the judge and enforce all sentences as may be required by ordinance of this city and all orders of said court.

Section 2-3-4 Right of certiorari.

Any person convicted in the municipal court shall have the relief of certiorari to the Superior Court of Liberty County, Georgia, in the manner provided by law as set forth and embodied in code section 5-4-3 of the O.C.G.A.

Section 2-3-5 Cases bound over.

Any defendant accused of a violation of any offense against the general laws of the State of Georgia, which is also a municipal offence, has the right to demand a trial by jury, and, upon such written demand, the case shall be bound over to the State Court of Liberty County.

Section 2-3-6 Appearance bonds; acceptance; forfeiture.

- (1) The mayor and council may grant any arresting officer of the city the authority to take and accept bond for the appearance at the municipal court of any person attested, and the arresting officer shall pass upon the security for such appearance bond. In the event the principal appears in the municipal court at the time specified in the bond, the surety will be relieved of further liability in the bond.

- (2) Should the principal fail to appear and a cash bond was given, then the cash bond may be forfeited by the presiding judge and the bonds will be placed in the general fund for use by the city. Should a bond with some person as security be given, and the principal fail to appear, then the presiding judge may issue a rule nisi returnable to the next regular term of municipal court against the principal and the principal's surety, which shall be served by the chief of police or any police officer upon the principal and surety if either can be found at least five (5) days before the returnable term. Service may be personal or by leaving a copy thereof at the residence of the defendant or the surety or at both such residences or by certified mail posted 10 days before the appearance date. If at such return term of municipal court no sufficient cause is shown to the contrary, judgment shall be rendered by the presiding judge against such principal and surety or such of them which have been served. Execution and fi. fa. may issue to enforce the collection of the judgment and, when collected, the funds are to placed in the general fund of the city for its use.
  
- (3) Should the principal, who is the defendant, fail to appear at the municipal court as specified on the bond, the presiding judge of such court may issue a warrant for the arrest of the defendant. The warrant may be served by any arresting officer of this state, and the defendant may be arrested at any place within the State of Georgia, detained, and returned to the City of Midway for trial.

## CHAPTER 4

### Administration

- § 2-4-1 City clerk; duties.
- § 2-4-2 City attorney; duties.
- § 2-4-3 Departments established.
- § 2-4-4 Bonds required of certain officers and employees.
- § 2-4-5 Holidays.
- § 2-4-6 Vacation leave.
- § 2-4-7 Sick leave.

#### Section 2-4-1 City clerk; duties.

In addition to the duties of the city clerk under the city charter, the city clerk shall perform the following duties:

- (1) be the custodian of the city seal and affix its impression on documents whenever required.
- (2) preserve the codes, records and documents belonging to the city and maintain a proper index to all records and documents;
- (3) receive all money due the city, including taxes, licenses and fees, and pay out the same only upon orders of the mayor and council; and
- (4) perform any other duties as may be required by the mayor and council.

#### Section 2-4-2 City attorney; duties.

The city attorney shall be the legal advisor and representative of the city and in that capacity shall:

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

#### Section 2-4-3 Departments established.

The following departments of the city are hereby established:

- (1) administrative;
- (2) police;
- (3) fire;
- (4) water and sewer;

(5) recreation and welfare: and

(6) water maintenance.

Section 2-4-4 Bonds required of certain officers and employees.

Except as otherwise provided by law the mayor and council may require any department head, official, or employee (including law enforcement personnel), before entering upon the discharge of his duties to give good and sufficient bond in any amount decided by the mayor and council. Said bond shall be payable to the city for the faithful performance of said duties and to secure against corruption, malfeasance, misappropriations, or unlawful expenditures in office. Said surety bonds shall be obtained from a surety company licensed to do business in the state and approved by the mayor and council. The premiums thereon shall be paid by the city (Ordinance of 01/12/1987)

Section 2-4-5 Holidays.

The following days are designated as official holidays of the city:

(1) New Year's Day;

(2) Martin Luther King Junior's birthday;

(3) Memorial Day;

(4) Independence Day

(5) Labor Day;

(6) Thanksgiving Day; and

(7) Christmas Day.

Section 2-4-6 Vacation leave.

Permanent, full-time employees shall be entitled for five (5) days' vacation leave after one (1) year of continuous service, 10 days' leave annually after their second full year of employment and 15 days annually after five (5) years' continuous service.

Section 2-4-7 Sick leave.

Each permanent, full-time employee shall ear sick leave at the rate of one-half (1/2) day per month or six (6) days for each completed year of service, with a total accumulation of 12 days.

CHAPTER 5

Finance and Taxation

ARTICLE A

General Provisions

- § 2-5-1 Fiscal year.
- § 2-5-2 Annual budget; appropriation.
- § 2-5-3 Purchasing.
- §§ 2-5-4 through 2-5-10 reserved.

ARTICLE B

Property Taxes

- §§ 2-5-11 through 2-5-20 reserved.

ARTICLE C

Occupation, Profession and Business Taxes

- § 2-5-21 Definitions.
- § 2-5-22 Levy of tax.
- § 2-5-23 Separate businesses.
- § 2-5-24 Registration required.
- § 2-5-25 Payment of tax.
- § 2-5-26 Issuance of tax certificate.
- § 2-5-27 Certificate to be displayed.
- § 2-5-28 Change of address.
- § 2-5-29 Change of ownership; transfers.
- § 2-5-30 Enforcement.
- § 2-5-31 Penalties.
- § 2-5-32 Criminal penalties; license revoked.
- §§ 2-5-33 through 2-5-40 reserved.

ARTICLE D

Alcoholic Beverage Excise Tax

- § 2-5-41 Taxes assessed.
- § 2-5-42 Malt beverages.
- § 2-5-43 Wine.
- § 2-5-44 Distilled spirits; retail package.
- § 2-5-45 Payment of tax.



## ARTICLE A

### General Provisions

#### Section 2-5-1 Fiscal year.

The fiscal year of the city shall commence on January 1 and end on December 31 of each year.

#### Section 2-5-2 Annual budget; appropriation.

An annual budget and an appropriations ordinance shall be adopted by the mayor and council prior to the first day of the fiscal year. However, if for good and sufficient reasons the budget cannot be adopted by the first day of the fiscal year, then budget shall be adopted not later than 45 days subsequent to the beginning of the fiscal year. If the budget and the appropriations ordinance are not adopted prior to the beginning of the fiscal year, this section automatically authorizes the continuation of necessary and essential expenditures to operate the city. The budget as adopted shall be a balanced budget with anticipated revenues (including appropriated unencumbered surplus) equal to appropriated expenditures. All funds within the budget shall also be balanced.

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

#### Section 2-5-3 Purchasing.

The city clerk shall be the purchasing agent of the city, and shall:

- (1) arrange and negotiate the purchase or contract for all equipment, supplies and contractual services for the city, and sell or otherwise dispose of all surplus city equipment and supplies; and
- (2) maintain an inventory of all materials, supplies or equipment owned by the city.

Sections 2-5-4 through 2-5-10 reserved.

ARTICLE B

Property Taxes

Sections 2-5-11 through 2-5-20 reserved.

## ARTICLE C

### Occupation, Profession and Business Taxes

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

#### Section 2-5-21 Definitions.

The following words where used in this article, unless the context requires otherwise, shall be deemed to have the following meanings:

- (1) Business. Any business, trade, occupation, profession, avocation, or calling of any kind for gain or profit, directly or indirectly.
- (2) Engaged in business. Any person shall be deemed to be engaged in business and thus subject to the requirements of this article when he performs any act of selling any goods or service or solicits business or offers goods or services for sale for payment in an attempt to make a profit, including the sales or services of the character as made by a wholesaler or retailer or involved in any of the functions performed as a manufacturer, profession or occupation within this city.
- (3) Manufacturer. A person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use any articles, substances or commodities; including all activities of a commercial nature wherein labor or skill is applied by hand or substance of trade or commerce is produced; and including the production or fabrication of specially or custom made articles; and including the making, fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, preserving, canning and preparing and freezing of fresh foods, fruits, vegetables and meats.
- (4) Person. Any person, firm, partnership, corporation, association or group of individuals, or their representatives, acting as a unit.
- (5) Retailer. A person who sells to the consumer or any other person for any purpose other than for resale in the form of tangible personal property.
- (6) Services. The accommodating or performing a duty or work by a person utilizing time or talents for direct or indirect remuneration.
- (7) Wholesaler. A person who sells to jobbers or to another person other than the consumer anything in the form of tangible personal property.

#### Section 2-5-22 Levy of tax.

- (1) Except as otherwise provided in this chapter, there is hereby levied and assessed a business tax of \$30 per year on all occupation and businesses in the city which, under the laws of the State of Georgia, the city has the authority to collect a tax therefore.
- (2) New businesses granted licenses after the beginning of the license year shall pay a prorated license fee for the year.

Section 2-5-23 Separate businesses.

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

Section 2-5-24 Registration required.

Every person engaged in any business, occupation or profession within the city upon which tax is imposed or levied by this article, shall register that business, occupation or profession with the city clerk on or before November 1 of each year, or within 10 days of the opening of a new business or the sale of any established business; upon forms to be supplied by the city clerk, giving the name, address and type of business, occupation and profession and any other information as may be required by the city clerk for the purpose of determining the amount of tax to be imposed or assessed by this article. A city business license application shall be sufficient to meet the requirements of this section.

Section 2-5-25 Payment of tax.

All taxed imposed and assessed in this article shall be due and payable on or before January 1 of each year. Except in the case of any business commenced or under new ownership after that date, the taxes shall be due and payable within 10 days of when the business is commenced or reopened under new ownership. Payment of the tax may be made personally to the city clerk in cash, or by company check, money order, bank draft, certified check or cashier's check made payable to the city. The tax shall be payable in a single installment.

Section 2-5-26 Issuance of tax certificate.

Upon the payment of the taxes assessed in this article, it shall be the duty of the city clerk to issue to each person a business or occupational tax receipt and certificate. A city business license shall be sufficient for this section.

Section 2-5-27 Certificate to be displayed.

All persons shall exhibit and display the city tax certificate or city license in some conspicuous place in their business establishment. Any transient or nonresident person, firm or corporation doing business within the city shall carry the certificate or license either upon his or her person or on any vehicle or other conveyance which is used in the business, and the person shall exhibit the same to any authorized enforcement officer of the city when requested to do so.

Section 2-5-28 Change of address.

Any person moving a non-transient business from one (1) location to another shall notify the city clerk of the move and the new address in writing, no later than 10 days after moving. The same tax certificate shall be valid at the new location.

Section 2-5-29 Change of ownership; transfers.

No tax certificate may be transferred from one (1) person to another. Additions to or deletions from the ownership of a business, which do not affect the liability and the principal ownership of a business for which the certificate is issued, may be made without canceling the old business or occupational tax certificate and applying for a new certificate. Whenever any person shall lease, operate or control the business franchise or property of other persons, they shall obtain a separate business tax certificate for each such business; provided no business shall pay the tax more than once under such an arrangement.

Section 2-5-30 Enforcement.

The city clerk shall issue executions for the collection of all outstanding and unpaid taxes imposed and assessed by this article. The unpaid taxes and executions shall be collected in the manner provided by law for the collection of other taxed dues the city.

Section 2-5-31 Penalties.

Any person failing to register on or before November 1 of each year or in the case of a new business or new owner, within 10 days of commencing business, or failing to pay the tax due under the terms of this article by the due date, shall be subject to a penalty of 10 percent (10%) of the business or occupational tax when due per month for each month or fractional part thereof for which the tax is due or unpaid.

Section 2-5-32 Criminal penalties; license revoked.

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

Sections 2-5-33 through 2-5-40 reserved.

## ARTICLE D

### Alcoholic Beverage Excise Tax

Cross Reference: Licensing of alcoholic beverages, Title7, Chapter 3.

#### Section 2-5-41 Taxes assessed.

In addition to the license fees required in title 7, chapter 3, and in addition to the excise taxes levied by the state, all alcoholic beverage licensees shall pat to the city the taxes imposed in this article, to be collected as set forth hereinafter.

#### Section 2-5-42 Malt beverages.

There is hereby imposed an excise tax on the sake of malt beverages as follows:

- (1) Malt beverages served as tap or drought beer from a barrel or bulk container shall pay a tax of six dollars (\$6.00) per container of not more than 15 1/2 gallons, and a proportionate tax at the same rate on any smaller containers.
- (2) Malt beverages sold in cans or bottles shall bear a tax of four and one-half cents (\$0.045) per 12 ounces proportionate to the size of the container.

State Law Reference: Excise tax on malt beverages, O.C.G.A., Section 3-5-80, 3-5-81.

#### Section 2-5-43 Wine.

There is hereby imposed an excise tax on the sale of wine by the package, which tax shall be twenty-two cents (\$0.22) per liter and a proportionate tax upon any fractional part thereof.

State Law Reference: Excise tax on wine, O.C.G.A., Section 3-6-60.

#### Section 2-5-44 Distilled spirits; retail package.

There is hereby imposed an excise tax on the sale of distilled spirits by the package, excluding the sales of fermented beverages, which tax shall be twenty-two cents (\$0.22) per liter and a proportionate tax upon any fractional part thereof.

State Law Reference: Excise tax on distilled spirits, O.C.G.A., Section 3-4-80.

#### Section 2-5-45 Payment of tax.

- (1) The excise taxes provided in sections 2-5-41 through 2-5-44 of this article shall be imposed upon and shall be paid by the licensed wholesale dealer.
- (2) The taxes shall be paid on or before the 10<sup>th</sup> day of the month following the calendar month in which the alcoholic beverages are sold by the wholesaler dealer.
- (3) Each licensee responsible for the payment of excise tax shall file a report with the city itemizing for the preceding calendar month all information pertaining to sales during said month within this municipality.

TITLE 3

Public Safety

Chapter 1 Law Enforcement

Chapter 2 Fire Prevention and Protection

CHAPTER 1

Law Enforcement

§ 3-1-1 Composition of police department.

§ 3-1-2 Responsibilities.

Section 3-1-1 Composition of police department.

The police department shall consist of those officers and employees of those ranks and positions as approved by the mayor and council.

Section 3-1-2 Responsibilities.

The department shall be responsible for patrol, traffic control, investigation of accidents, investigation of crimes, apprehension of offenders, court appearances, security of business establishments and for any other matters of public safety and law enforcement as directed by the mayor and council.

CHAPTER 2

Fire Prevention and Protection

ARTICLE A

Fire Department

- § 3-2-1 Fire chief and members.
- § 3-2-2 Interfering with equipment.
- § 3-2-3 Enforcement.
- § 3-2-4 Tampering with alarm system.
- §§ 3-2-5 through 3-2-20 reserved.

ARTICLE B

Fire Prevention Code

- § 3-2-21 Fire prevention code adopted.
- § 3-2-22 Fire limits defined.

ARTICLE A

Fire Department

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

Section 3-2-1 Fire chief and members.

The fire department shall be headed by a fire chief and shall be composed of such other paid and volunteer members and employees as may be determined necessary by the mayor and council.

Section 3-2-2 Interfering with equipment.

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

Section 3-2-3 Enforcement.

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



Section 3-2-4 Tampering with alarm system.

It shall be unlawful for any person or persons to willfully, maliciously or mischievously interfere or tamper with any fire alarm box or any of the appliances or apparatus connected therewith, located within the corporate limits.

Sections 3-2-5 through 3-2-20 reserved.

## ARTICLE B

### Fire Prevention Code

#### Section 3-2-21 Fire prevention code adopted.

The Fire Prevention Code, 1976 Edition, recommended by the American Insurance Association, is hereby adopted in its entirety as a general ordinance of the city and is incorporated herein as fully as if set out at length herein. A copy of the fire prevention code shall be maintained in the office of the city clerk where it shall be available for public inspection.

#### Section 3-2-22 Fire limits defined.

The fire limits of the city are hereby defined as all that area within the city limits, as those limits now exist, or as they may hereafter be amended.

## TITLE 4

### Public Works

Chapter 1 Streets and Sidewalks

Chapter 2 Solid Waste Collection and Disposal

#### CHAPTER 1

##### Streets and Sidewalks

State Law Reference: Constitutional powers regarding streets, Constitution of 1982, Article IX, Section II, Paragraph III (a) (4); O.C.G.A., Section 36-34-3; street obstructions, O.C.G.A., Section 36-30-10; municipal street administration, O.C.G.A., Section 32-4-90 et. seq.; assessments for improvements, O.C.G.A., Title 36, Chapter 39.

- § 4-1-1 Permit to dig in streets.
- § 4-1-2 Same; application for permit.
- § 4-1-3 Same; city indemnified.
- § 4-1-4 Street repair.
- § 4-1-5 Excavation; leaving unprotected.
- § 4-1-6 Sidewalk construction.
- § 4-1-7 Streets and sidewalks not to be damaged.
- § 4-1-8 Violation.

##### Section 4-1-1 Permit to dig in streets.

No person, firm or corporation shall make any excavations or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires, poles or for any other purpose, unless a written permit therefore has been issued by the city clerk. A permit shall not be required where the work is performed under a contract with the city but in the event that work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the city clerk and the police department at least two (2) hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

##### Section 4-1-2 Same; application for permit.

All persons desiring a permit in order to make an opening in any street or sidewalk, as set forth in section 4-1-1, shall make written application therefore, which application shall show the location of the proposed opening, the purpose therefore and the approximate number of square yards of surface to be cut.

##### Section 4-1-3 Same; city indemnified.

Any person, firm or corporation obtaining a permit as provided for in sections 4-1-1 and 4-1-2 agrees, as a condition of the issuance of the permit to indemnify and hold harmless that city against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations.

Section 4-1-4 Street repair.

When any part of any street, sidewalk, alley or other public place of the city shall be torn or dug up for any purpose, the person, firm or corporation making that excavation or opening shall have the duty of refilling the same condition that existed prior to the excavation or opening. Any person, firm or corporation, neglecting, refusing or failing to comply with any provisions of this section shall be guilty of a violation thereof; and where any neglect, refusal or failure is continued, after notice from the city clerk, every day's continuance thereafter shall constitute a separate and distinct offense.

Section 4-1-5 Excavation; leaving unprotected.

It shall be unlawful for any person, firm or corporation who obtains a permit under the section of this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the city without placing and maintaining proper guard rails and signal lights or other warnings at, in or around the work, sufficient to warn the public or any excavation of work, and to protect all persons using reasonable care from injuries on account of work.

Section 4-1-6 Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood or other material without a written permit from the city.

Section 4-1-7 Streets and sidewalks not to be damaged.

It shall be unlawful for any person, firm or corporation to drag or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon the asphalt, bituminous, granite or other type of permanently paved street or sidewalk of the city which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

Section 4-1-8 Violation.

All persons found guilty of a violation of this chapter shall be punished as provided in section 1-1-5 of this code.

## CHAPTER 2

### Solid Waste Collection and Disposal

State Law Reference: Authority of municipalities to provide for garbage and solid waste collection and disposal, Constitution of 1982, Article IX, Section II, Paragraph III (a) (2).

- § 4-2-1 Definitions.
- § 4-2-2 Waste acceptable for collection.
- § 4-2-3 Waste unacceptable for collection.
- § 4-2-4 Preparation and storage of acceptable waste.
- § 4-2-5 Place of collection; grass clippings; limbs.
- § 4-2-6 Unauthorized accumulation of solid waste; nuisance.
- § 4-2-7 Scavenging.
- § 4-2-8 Penalties.

#### Section 4-2-1 Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings ascribed to them in this section:

- (1) Ashes. Ashes means and includes the waste products from coal, wood and other fuels used for cooking and heating from all public and private residences and establishments.
- (2) Building rubbish. Building rubbish means waste material resulting from construction, remodeling, repairs and demolition operations on houses, commercial building and other structures, including driveways and walks, and it comprises waste and rejected matter such as excavated earth, stones, brick, plaster, wallpaper, sheetrock and latches, lumber, shingles, tile, concrete and waste parts occasioned by the installation or replacement or plumbing, heating systems, electrical work and roofing.
- (3) Garbage. Garbage means waste accumulation of animal or vegetable matter used for or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.
- (4) Industrial waste. Industrial waste means solid waste materials from factories, processing plants, wholesale establishments, assembling food processing wastes, cinders and ashes, lumber scraps, sawdust, excelsior, shavings, floor sweepings, metal scrap and shavings, glass and other waste products.
- (5) Rubbish. Rubbish means a variety of combustible and noncombustible waste not subject to rapid decomposition derived from places of residence, commercial areas and institutions and shall include paper, rags, plastics, cartons, boxes, cans, bottles, glass, crockery, excelsior, rubber, discarded clothing and similar materials.
- (6) Scavenge. Scavenge means uncontrolled picking from discarded solid waste materials.
- (7) Solid waste. Solid Waste means putrescible and nonputrescible waste, except human body waste, and includes garbage, rubbish, paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, tin cans, glass, crockery, ashes, street refuse, dead animals, waste materials generated in industrial operations, residue

incineration, food processing wastes, demolitions wastes, construction wastes and any other wastes in a solid or semi-solid state, not otherwise defined in this section.

- (8) Standard container. Standard container means and includes a durable, rust resistant, nonabsorbent, rodent-proof, watertight plastic or metal container with handles or bails, having a tight-fitting cover, and having no more than a 30-gallon capacity.
- (9) Waste. Waste means unwanted or discarded material, except human body waste.
- (10) Yard rubbish. Yard rubbish means tree branches, stumps, twigs, grass and shrub trimmings, brushes, weeds, leaves and general yard and garden waste materials and includes stone and dirt rakings and any waste materials resulting from landscaping.

Section 4-2-2 Waste acceptable for collection.

Garbage, rubbish and industrial waste constitute waste acceptable for collection by the city.

Section 4-2-3 Waste unacceptable for collection.

- (1) The following items constitute waste unacceptable for collection by the city:
  - (a) dangerous materials or substances such as poisons, acids, caustics and explosives.
  - (b) building rubbish;
  - (c) ashes;
  - (d) yard rubbish except as hereinafter provided;
  - (e) furniture and appliances;
  - (f) automobile and motor vehicle tires; and
  - (g) all other solid waste not specifically authorized herein.
- (2) Any person responsible for waste not acceptable for collection by the city shall make any arrangements as may be necessary for the collection and disposal of the unacceptable waste.

Section 4-2-4 Preparation and storage of acceptable waste.

- (1) The owner or occupant of each residence or business or commercial establishment shall store acceptable waste in standard containers which shall be provided by the owner or occupant and which shall at all times be maintained in a good state of repair. Each owner or occupant shall prevent the continued, excessive and unsightly accumulation of waste upon the property occupied by him.
- (2) Any acceptable waste that cannot be placed in standard containers shall be broken down and tied securely in bundles no larger than 36 inches square and placed alongside the standard containers for collection.

Section 4-2-5 Place of collection; grass clippings; limbs.

- (1) Containers shall be placed at curbside on the day of collection.
- (2) Grass clippings, pine straw and leaves shall be placed on the street curb on pickup day. These items must be secured in disposable plastic bags of any type, size and material designed for solid waste storage and disposal. Disposable bags shall be unbroken and securely sealed and loaded in such a manner that normal handling will not cause the bag to open. No bag that cannot be loaded by one (1) person shall be collected.
- (3) Fallen limbs, trees, cut limbs, cut trees and trash of this category shall be cut by the property owner into lengths of more than four (4) feet. Other trash, which shall include yard wastes, weeds, grass, trimmings, leaved, brush and pine straw must be bagged. All trash and cuttings shall be placed as near as possible to the street or sidewalk right-of-way adjacent to the property owners' property but not so as to get into the street or block the sidewalk. At no time shall trash be placed in gutters, drains, walkways or alleys or streets of the city.

Section 4-2-6 Unauthorized accumulation of solid waste; nuisance.

Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and it prohibited. Failure to remove any existing accumulation or solid waste within a reasonable time as may be fixed by written notice from the city shall be deemed a violation of this code.

Section 4-2-7 Scavenging.

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

Section 4-2-8 Penalties.

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

TITLE 5

Municipal Utilities

Chapter 1 Water Supply

CHAPTER 1

Water Supply

- § 5-1-1 Meters.
- § 5-1-2 Schedule of water rates.
- § 5-1-3 Deposit required; discontinuance of service for nonpayment, reinstatement of service
- § 5-1-4 Unauthorized connections.
- § 5-1-5 Unlawful to tamper with meter or any parts thereof.
- § 5-1-6 Only authorized persons to use water for public hydrants.

Section 5-1-1 Meters.

- (1) Every regular consumer of water shall be supplied with a meter by the city, which meter shall be under the exclusive control of the city, for which the consumer shall deposit an amount as determined by the mayor and council and filed in the city clerk's office; this amount shall be refunded by the city in the event that any consumer discontinues the use of city water, less all charges which may stand against that consumer.
- (2) Water meters shall be located at the property line adjacent to a street or alleyway or at any other location as determined by the city. The person in whose name the service is rendered shall be responsible for water rents.

Section 5-1-2 Schedule of water rates.

The schedule of water rates and connection fees, as set from time to time by the mayor and council, shall be kept current and maintained in the office of the city clerk.

Section 5-1-3 Deposit required; discontinuance of service for nonpayment, reinstatement of service

Each user of water supplied by the city waterworks system shall deposit with the city clerk an amount determined by the mayor and council as a water deposit. This amount shall remain on deposit in the city treasury as a guarantee for water rent. In the event that the customer fails to pay the water rent, then the city clerk shall apply the deposit towards liquidation of the amount due by the customer, and the water supply to his premises shall be disconnected. The city is required to give the water user three (3) days' notice before discontinuing service for nonpayment of bills. Service shall be reinstated following discontinuance only when the delinquent account has been paid in full and upon payment to the city a reinstatement fee as fixed from time to time by the mayor and council.



Section 5-1-4 Unauthorized connections.

It shall be unlawful for any person except an authorized employee of the city to connect with or tap any water main of the city, except with the specific authorization of the employee and under his supervision.

Section 5-1-5 Unlawful to tamper with meter or any parts thereof.

It shall be unlawful for any person to remove, tamper or in any way meddle with any water meter box, trim cover thereto, or any part of any water meter box.

Section 5-1-6 Only authorized persons to use water for public hydrants.

No person, except authorized city officers and employees, shall take water from any public hydrant, plug, street washer or drain cock.

TITLE 6

Planning and Development

Chapter 1	General Provisions
Chapter 2	Building Regulation and Code Enforcement
Chapter 3	Subdivisions
Chapter 4	Zoning
Chapter 5	Flood Damage Prevention

CHAPTER 1

General Provisions

(Reserved)

## CHAPTER 2

### Building Regulation and Code Enforcement

#### ARTICLE A

##### Administration

- § 6-2-1 Building inspector designated.
- § 6-2-2 Building permits.
- § 6-2-3 Appeals.
- §§ 6-2-4 through 6-2-10 reserved.

#### ARTICLE B

##### Building

- § 6-2-11 Building code adopted.
- §§ 6-2-12 through 6-2-20 reserved.

#### ARTICLE C

##### Electrical

- § 6-2-21 Electrical code adopted.
- § 6-2-22 Applicability or provisions to homeowners.
- § 6-2-23 Permits.
- § 6-2-24 Permit fees.
- § 6-2-25 Inspections.
- §§ 6-2-26 through 6-2-30 reserved.

#### ARTICLE D

##### Plumbing

- § 6-2-31 Plumbing code adopted.
- §§ 6-2-32 through 6-2-40 reserved.

#### ARTICLE E

##### Gas

- § 6-2-41 Gas code adopted.
- § 6-2-42 Applicability of provisions to homeowners.
- §§ 6-2-43 through 6-2-50 reserved.

#### ARTICLE F

##### Housing

- § 6-2-51 Housing code adopted.
- §§ 6-2-52 through 6-2-60 reserved.

## ARTICLE G

### Mechanical

§ 6-2-61 Mechanical code adopted.

## ARTICLE A

### Administration

#### Section 6-2-1 Building inspector designated.

- (1) The county building inspector is hereby designated as the building inspector for the city.
- (2) The building inspector shall enforce the standard codes adopted by this chapter and shall perform such other duties as may be prescribed by the mayor and council.

#### Section 6-2-2 Building permits.

- (1) Any person or corporation intending to build or have built a house or other structure having a roof or to build an addition to a house or structure within the city shall make application to the building inspector at least five (5) days before beginning work, for a permit to erect the building or structure. The application shall state the owner of the proposed building or structure, the size, material and location and also whether the work is done under contractor by the day's work and if by accompanied by such fees as fixed from time to time by the mayor and council.
- (2) The building inspector shall inspect the site of the proposed building or structure with reference to its encroachment on the streets and alleys; its danger to adjacent building or structures and other conditions and circumstances necessary; and shall report to the city his approval or disapproval of the permit. If the building inspector approves the application, the clerk shall issue the permit; and if he disapproves, he shall give in writing the reasons therefore. In the event of the disapproval of the building inspector, the applicant shall have the right to appeal to the planning and zoning commission as provided by section 6-2-3, and upon the approval of that body, the city clerk shall issue the permit.
- (3) No person or corporation, contractor or builder shall begin the erection of any building structure within the city without a permit therefore as hereinbefore provided. Any violation of the terms of this section in refusing or neglecting to obtain a permit shall result in the person, upon conviction thereof, being punished as provided in section 1-1-5. Each day's work without a permit shall be a separate offense.
- (4) Any person or corporation, contractor or builder who shall be in violation of this section, encroach upon the streets and alleys or other public property of the city, shall in addition to the penalties for violation of this section, be compelled at their own expense to remove the obstructions and to repair the streets or alleys or other public property as directed by the building inspector or the mayor and council.

- (5) It shall be unlawful for any owner, contractor, builder or workman engaged in the building or repairing of any structure within the city, to close the streets of the city to the passage of persons or vehicles or in any way to endanger the life or limb of passersby.

Section 6-2-3 Appeals.

Appeals from an adverse decision of the building inspector under any of the technical codes adopted in this chapter shall be heard by the Liberty County Planning and Zoning Commission.

Sections 6-2-4 through 6-2-10 reserved.

## ARTICLE B

### Building

Cross Reference: Fire limits defined, Section 3-2-22.

#### Section 6-2-11 Building code adopted.

For the purpose of establishing rules and regulations for the construction, alteration, use, demolition and removal of building or other structures of any appurtenances connected to attached thereto, there is hereby adopted the Standard Building Code, being particular the 1988 edition and subsequent editions and revisions thereof, as published by the Southern Building Code Congress International, Inc., and the whole thereof, except the portions as are hereafter deleted, modified or amended, a copy of which has been and is not filed in the office of the city clerk and which is hereby adopted and incorporated by reference as fully as if set out at length herein, and the provisions thereof shall be controlling as to all subjects therein contained, within the corporate limits, except that in the event that any of the provisions are in conflict with other provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

Sections 6-2-12 through 6-2-20 reserved.

## ARTICLE C

### Electrical

#### Section 6-2-21 Electrical code adopted.

The 1987 edition and subsequent editions and revisions of the National Electrical Code, Standard of the Nation Board of Fire Underwriters, as recommended by the National Fire Protection Association, and approved by the American Standards Association, being MFPA No., 70, is hereby adopted as the minimum standard for the installation of all electrical wiring, devices and equipment in the city, except as otherwise specifically provided in this article, and is hereby made a part of this article as fully and to the same extent as it copied herein in full. A copy of the code is on file in the office of the city clerk. In the event of any conflict between the provisions of the electrical code and the provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

#### Section 6-2-22 Applicability or provisions to homeowners.

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

#### Section 6-2-23 Permits.

Before any electrical wiring, devices or equipment are installed, repaired or altered in any building or structure within the city, the person making the installation, repair or alteration shall obtain a permit therefore from the building inspector.

#### Section 6-2-24 Permit fees.

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

#### Section 6-2-25 Inspections.

It shall be unlawful for any person controlling any electrical wiring in or of houses or buildings within the city to allow any electrical current to be turned on or consumed in any building without having first has an inspection thereof make and a certificate of approval thereof being issued.

#### Sections 6-2-26 through 6-2-30 reserved.

## ARTICLE D

### Plumbing

#### Section 6-2-31 Plumbing code adopted.

The Standard Plumbing Code as published by the Southern Building Code Congress International, Inc., being particularly the 1988 edition thereof, together with all subsequent editions and amendments thereto, is hereby adopted as the code of the city relating to the installation of all plumbing, including the pipes for distributing the water supply, the fixtures for using water and the drainage pipe for removing waste water and sewage, together with fittings and appurtenances or various kinds, all within or adjacent to the buildings within the city or where connected to the city's water or sewerage system, and the whole thereof, except the portions as are hereafter deleted, altered or amended, is incorporated herein as fully as it set out at length, and all plumbers shall be required to make installations contained therein, a copy of which code is on file in the office of the city clerk. In the event of any conflict with the provisions of the plumbing code and the provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

#### Sections 6-2-32 through 6-2-40 reserved.



## ARTICLE E

### Gas

#### Section 6-2-41 Gas code adopted.

There is hereby adopted by and for the city, a gas code known as the Standard Gas Code 1988 edition and subsequent editions and revisions, which code is published by the Southern Building Code Congress International, Inc., and which is referred to, incorporated herein, and made a part hereof for all purposes, a copy of which code is on file in the office of the city clerk. In the event of any conflict with the provisions of the gas code adopted by this section and any provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

#### Section 6-2-42 Applicability of provisions to homeowners.

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

#### Sections 6-2-43 through 6-2-50 reserved.

## ARTICLE F

### Housing

#### Section 6-2-51 Housing code adopted.

There is hereby adopted by and for the city The Standard Housing Code, 1988 edition and subsequent editions and revisions, as recommended by the Southern Building Code Congress International, Inc., which code is published in book form, which is referred to, incorporated herein and made a part hereof for all purposes, a copy of which code is filed on record in the office of the city clerk, the provisions of which shall be controlling in the used, maintenance and occupancy of all dwellings, dwelling units and/or structures within the city. In the event of any conflict between the provisions of the housing code and the provisions of this code, state law or ordinance, rule or regulation, the provisions of this code, state law or ordinance, rule or regulation shall prevail and be controlling.

Sections 6-2-52 through 6-2-60 reserved.

## ARTICLE G

### Mechanical

#### Section 6-2-61 Mechanical code adopted.

The Standard Mechanical Code, as published by the Southern Building Code Congress International, Inc., being particularly the 1988 edition thereof, together with all subsequent editions and revisions thereto, is hereby adopted as the code of the city relating to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems, and the whole thereof, except the portions as are hereafter deleted, altered or amended, is incorporated herein as fully as it set out at length, and all persons related to the mechanical business shall be required to make installations in conformity with the code and the regulations contained therein, a copy of which is on file in the office of the city clerk. In the event of any conflict with the provisions of the mechanical code and the provisions of this code, state law or ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall prevail and be controlling.

## CHAPTER 3

### Subdivisions

(Reserved)

## CHAPTER 4

### Zoning

§ 6-4-1 Ordinance adopted by reference.

Section 6-4-1 Ordinance adopted by reference.

The 1975 Zoning Ordinance of the City of Midway, prepared by Liberty County, and as adopted by the mayor and council by ordinance, as amended, is incorporated by reference into this code as fully as though set out in its entirety. A current copy of the zoning ordinance shall be maintained on file in the office of the city clerk where it shall be available for public inspection.

## CHAPTER 5

### Flood Damage Prevention

- § 6-5-1 Statutory authorization.
- § 6-5-2 Findings of fact.
- § 6-5-3 Statement of purpose.
- § 6-5-4 Objectives.
- § 6-5-5 Definitions.
- § 6-5-6 Lands to which this chapter applies.
- § 6-5-7 Basis for establishing the areas of special hazard.
- § 6-5-8 Compliance.
- § 6-5-9 Abrogation and greater restrictions.
- § 6-5-10 Interpretation.
- § 6-5-11 Warning and disclaimer of liability.
- § 6-5-12 Penalties for violation.
- § 6-5-13 Establishment of development permit.
- § 6-5-14 Designation of county building inspector.
- § 6-5-15 Use of other base flood data.
- § 6-5-16 Information to be obtained and maintained.
- § 6-5-17 Alteration of watercourses.
- § 6-5-18 Interpretation of FHBM and FIRM boundaries.
- § 6-5-19 Provisions for flood hazard reduction; general standards.
- § 6-5-20 Same; specific standards.

#### Section 6-5-1 Statutory authorization.

The Legislature of the State of Georgia has in O.C.G.A., title 36, chapter 35, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the mayor and council do ordain the following provisions:

#### Section 6-5-2 Findings of fact.

- (1) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, 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 cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other properties, which are inadequately elevated, flood-proofed or otherwise protected from flood damage.

#### Section 6-5-3 Statement of purpose.

It is the purpose of this chapter 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) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and nature protective barriers, which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion of flood damage; and
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Section 6-5-4 Objectives.

The objectives of this chapter are to:

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

Section 6-5-5 Definitions.

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

- (1) Addition (to an existing building). Addition 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 independent perimeter load-bearing walls is new construction.
- (2) Appeal. Appeal means a request for a review of the city's interpretation of any provision of this chapter or a request for a variance.

- (3) Area of special flood hazard. 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.
- (4) Base flood. Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- (5) Basement. Basement means that portion is a building having its flood sub-grade (below ground level) on all sides.
- (6) Building. Building means any structure built for support, shelter, or enclosure for any occupancy or storage,
- (7) Development. 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, excavation or drilling operations.
- (8) Elevated building. Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
- (9) Flood or flooding. Flood(ing) means a general and temporary condition or partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters; and
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
- (10) Flood Hazard Boundary Map (FHBM). FHBM means the official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as zone A.
- (11) Flood Insurance Rate Map (FIRM). FIRM means the official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- (12) Floodway. 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 one (1) foot.
- (13) Floor. Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- (14) Functionally dependent facility. Functionally dependant facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.



- (15) Manufactured home. Manufactured home means a structure, transportable in one (1) of more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.
- (16) Mean sea level. 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 this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).
- (17) New construction. New construction means structures for which the “start of construction” commenced on or after the effective date of this chapter.
- (18) Start of construction. Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Published L-97-348]), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of manufactured home on a foundation. Permanent construction does not include 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 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- (19) Structure. Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities of infrastructures.
- (20) Substantial improvement. Substantial improvement means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent (50%) of the market value of the structure either, (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purpose 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 structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions.

Section 6-5-6 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

Section 6-5-7 Basis for establishing the areas of special hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) and any revisions thereto, are adopted by reference and declared to be a part of this chapter.

Section 6-5-8 Compliance.

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

Section 6-5-9 Abrogation and greater restrictions.

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

Section 6-5-10 Interpretation.

In the interpretation and application of this chapter, all provisions shall be (i) considered as minimum requirements, (ii) liberally construed in favor of the governing body, and (iii) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 6-5-11 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer, or agent thereof, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Section 6-5-12 Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute an offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in Section 1-1-5 of this code, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city or its agent from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 6-5-13 Establishment of development permit.

- (1) A development permit shall be required in conformance with the provisions of this chapter.
- (2) Application for a development permit shall be made to the county building inspector on forms furnished by him and may include, but not limited to, the following: plans in

duplicate drawn to scale showing the nature, location, dimensions, and elevations of the are in question; existing or proposed structures, fill storage or materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) elevation in relation to mean seal level (MSL) 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) certification by a registered professions engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in section 6-5-20 (2);
- (d) description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- (e) a flood elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor or flood-proofing by whatever construction mean, whichever is applicable, it shall be the duty of the permit holder to submit to the county building inspector a certification of the elevation of the lowest floor or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The county building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section 6-5-14 Designation of county building inspector.

The county building inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. Duties of the building inspector shall include, but not be limited to, the following:

- (1) Permit review.
  - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
  - b. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

- c. Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the floodplain. For purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over bank areas.
  - i. If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.
  - ii. If it is determined that there is an adverse effect, then technical justification (i. e., a professional engineering analysis) for the proposed development shall be required.
  - iii. If the proposed development is a building, then the provisions of this chapter shall apply.

Section 6-5-15 Use of other base flood data.

When base flood elevation data or floodway data has not been provided in accordance with section 6-5-7, Basis for establishing the areas of special hazard, then the county building inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer section 6-5-20 of this chapter.

Section 6-5-16 Information to be obtained and maintained.

The county building inspector shall:

- (1) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (2) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed. Certification of such flood proofing shall be obtained in accordance with section 6-5-20(2).
- (3) All records pertaining to the provisions of this chapter shall be maintained in the office of the county building inspector and shall be open for public inspection.

Section 6-5-17 Alteration of watercourses.

The county building inspector shall:

- (1) 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 Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Section 6-5-18 Interpretation of FHBM and FIRM boundaries.

Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual physical conditions), the county building inspector shall make the necessary interpretation.

Section 6-5-19 Provisions for flood hazard reduction: general standards.

In all areas of special flood hazard, the following provisions are required:

(1) Anchoring.

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices, which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(2) Construction materials and methods.

- (a) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (c) Electrical, heating, ventilation, plumbing, air conditioning equipment, 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.

(3) Utilities.

- (a) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- (4) Subdivision proposals.
  - (a) Subdivision proposals shall be consistent with the need to minimize flood damage
  - (b) Subdivision proposals shall have public utilities facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
  - (c) Subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five (5) acres.
- (5) Encroachments. The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. This determination is to be made in accordance with section 6-5-14 (1) c.

Section 6-5-20 Same; specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 6-5-15, the following provisions are required:

- (1) Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or other nonresidential structure (including manufactured homes) shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 6-5-13(b) (3).

## TITLE 7

### Licensing and Regulation

Chapter 1	General provisions
Chapter 2	Peddling, Soliciting and Canvassing
Chapter 3	Alcoholic Beverages
Chapter 4	Miscellaneous Regulations

#### CHAPTER 1

##### General provisions

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

- § 7-1-1 Definitions.
- § 7-1-2 License required.
- § 7-1-3 Separate businesses.
- § 7-1-4 Application; fee; temporary business.
- § 7-1-5 Administration of chapter.
- § 7-1-6 Duties of city clerk.
- § 7-1-7 Duration of license.
- § 7-1-8 Casual and isolated activity.
- § 7-1-9 Inspections.
- § 7-1-10 Procedure for issuance..
- § 7-1-11 Display of licenses and registrations.
- § 7-1-12 Renewal of licenses.
- § 7-1-13 Revocation; suspension.
- § 7-1-14 Change of address.
- § 7-1-15 Transfer of licenses.
- § 7-1-16 Issuance of replacement licenses.
- § 7-1-17 Special provisions for disabled veterans.
- § 7-1-18 Violations and penalties.
- § 7-1-19 Owner and manager both punishable for violations.
- § 7-1-20 Subsequent amendments; other fees.

#### Section 7-1-1 Definitions.

The following words where used in this chapter, unless the context requires otherwise, shall be deemed to have the following meanings:

- (1) Business. Any business, trade, occupation, profession, avocation or calling of any kind for gain or profit, directly or indirectly; provided that this shall not include any business, trade, profession and the like licensed by the state unless city licensing is allowed by state law, nor shall it include any business operating solely under a franchise granted by the city.
- (2) Engaged in business. Any person shall be deemed to be engaged in business and thus subject to the requirements of this chapter when he performs any act of selling any goods or services or solicits business or offers goods or services for sale for payment in

an attempt to make a profit, including the sales or services of the character as made by a wholesaler or retailer or involved in any of the functions performed as a manufacturer, either as an owner, operator or agent in any business within the city.

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

Section 7-1-2 License required.

Every business in this city or person doing business or engaged in business within the city is hereby required to have a business license from the city for the privilege of engaging in a business, profession or occupation within the corporate limits, unless city licensing is prohibited under state law or the activity is exempted by this code.

Section 7-1-3 Separate businesses.

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

Section 7-1-4 Application; fee; temporary business.

Every person required to procure a license under the provisions of this code shall submit an application for the license to the city clerk, which application shall conform to the requirements of this section in addition to any other provisions of this code.

- (1) Unless otherwise provided in this code, each application shall be a written statement upon forms provided by the city and submitted before November 1 of each year or within 10 days of opening a new business or reopening of a business under a new ownership.
- (2) Each application shall contain the following information:
  - (a) name and home address of the applicant if individual, or home office address if a corporation partnership;
  - (b) place where the proposed business is to be located;
  - (c) kind and class of business to be carried on;
  - (d) names and home addresses of the partners, if a partnership;
  - (e) names and home addresses of the officers and directors, if a corporation;
  - (f) any information as may be required by the city clerk for the purpose of determining the amount of any business taxes to be collected under this code; and
  - (g) any additional information which the city clerk may find reasonably necessary to the fair administration of this chapter of the code which may include a complete record of all arrests and convictions against the applicant and every partner, officer



or director of the applicant for violations of any and all laws and ordinances of the city, state or federal government other than minor traffic violations.

- (3) Each application shall be signed and sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.
- (4) All information furnished or secured under the authority of this chapter of the code shall be kept in strict confidence by the city; shall not be subject to public inspection; and shall be utilized solely by the officers of the city responsible for administering the provisions of this chapter and the city's business taxes.
- (5) False statements on any application for a license shall be grounds for immediate revocation of the license or denial of the application.
- (6) Any application, license and registration fees as fixed from time to time by the mayor and councilor business taxes required under this code shall accompany the application.

Section 7-1-5 Administration of chapter.

The city clerk shall administer and enforce the provisions of this chapter for the application for and issuance of business licenses under this chapter of the code.

Section 7-1-6 Duties of city clerk.

The city clerk, or an authorized representative, shall have, among others, the following duties:

- (1) To prepare and provide the necessary forms for the registration and application for a business license and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this chapter.
- (2) To issue to each person a business license within a reasonable time after the payment of the license fee assessed and any business taxes, property or other city taxes levied in this code; provided, however, where under other portions of this code, permits, certifications and compliance with enumerated conditions are required for the operation of the business, the city clerk shall not issue a business license until the applicant exhibits to the city clerk the obtained permits, certification and compliance.

Section 7-1-7 Duration of license.

Any license referred to in this chapter shall automatically expire on December 31 of the year of its issuance.

Section 7-1-8 Casual and isolated activity.

Except as otherwise provided in this title, nothing herein contained shall be interpreted so as to require any person who may engage in casual or isolated activity and commercial transactions, where they involve personal assets only and are not the principal occupation of the individual, to obtain a business license and pay a fee therefore. Garage sales, involving the exchange or sale of personal items are considered casual or isolated activities for the purpose of this chapter.

Section 7-1-9            Inspections.

The city council reserves the right to inspect or authorize the inspection of the premises of any license applicant or licensee for the purpose of determining the eligibility of an applicant for a license or the eligibility of a license for license renewal.

Section 7-1-10        Procedure for issuance.

- (1) If any provision of this code provides for the review of an application for a license by a city officer designated therein, the city clerk shall forward a copy of the application to that officer. The officer charged with the duty of reviewing the application shall make a recommendation thereon, favorable or otherwise, and shall return the recommendation to the city clerk after receiving a copy of the application.
- (2) Upon the receipt of the recommendation of the reviewing officer as hereinabove provided, or upon the receipt of the application if no reviewing officer is designated, the city clerk shall forward the recommendation and application to the mayor and council for consideration and action at its next regularly scheduled public meeting, if approval by the mayor and council is required.
- (3) No license shall be issued to any applicant whose place of business is not in full compliance with all minimum standard building codes adopted by the city.
- (4) No license shall be issued to any applicant who has any outstanding indebtedness to the city, including but not limited to property taxes, business license fees, business taxes, utility bills and any other taxes or assessments.
- (5) Upon the express approval of the mayor and council, when so required, or otherwise upon a determination by the city clerk that the application is in order and all requirements have been met, the city clerk shall issue a business license to the applicant therefore, which license shall state the nature of the business authorized and bear the date of issuance and the signature of the city clerk.
- (6) If the city clerk determines that the application is not in order or any requirements for the license have not been met then the city clerk shall deny the application and immediately provide written notice of the denial and the grounds therefore to the applicant. The applicant may appeal the denial to the mayor and council within 10 days of the denial notice being issued. The mayor and council shall hold a public hearing on the appeal within 10 days of the appeal being filed with the city clerk. The mayor and council within 10 days of the hearing, may order the license granted with or without conditions or may affirm the denial of the application. The decision shall be based only upon a finding by the mayor and council that the city clerk was correct or erred in the interpretation of the regulations involved or the facts of the case.
- (7) Unless otherwise provided in this chapter, all license applications shall be approved or disapproved within 30 days of filing with the city clerk.
- (8) Nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in that business.

Section 7-1-11 Display of licenses and registrations.

All persons shall exhibit and display all licenses and registrations issued to them under this code in some conspicuous place in their business establishment at which address the license or registration was issued. Any transient or nonresident person, firm or corporation doing business within the city shall carry the license or registration either upon his or her person or in any vehicle or other conveyance which is used in the business and the person shall exhibit the same to any authorized enforcement officer of the city when so requested.

Section 7-1-12 Renewal of licenses.

Each licensee shall make a written application for renewal on forms supplied by the administrator no later than November 1 of each calendar year, which application may require substantially the same information as the initial application.

Section 7-1-13 Revocation; suspension.

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

Section 7-1-14 Change of address.

Any person licensed hereunder moving from one location to another shall notify the city clerk of the move and the new address in writing on a form provided by the city clerk no later than the day of moving. The same business license will be valid at the new location if the new location conforms to the zoning and building regulations of the city and any other location transfer requirements of this code.

Section 7-1-15 Transfer of licenses.

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

Section 7-1-16 Issuance of replacement licenses.

In the event that the city clerk is notified that the licensee has lost his copy of the license, he shall make a new copy, upon showing by the licensee that the required fees have been paid. In addition, the licensee shall be charged a replacement fee as fixed from time to time by the mayor and council. Replacement licenses shall be signed by the city clerk and shall indicate the time

and date upon which issued. The possession of a replacement license shall not be a defense to any charge of violation of this chapter except a charge made after the time of the issuance of the replacement license.

Section 7-1-17 Special provisions for disabled veterans.

All disabled veterans desiring to enter business without paying city license fees or business taxes must present a state disability license to the city clerk whereupon a city license will be issued and marked "FREE" on the face of the same.

Section 7-1-18 Violations and penalties.

- (1) It shall be a violation of this chapter for any person, whether based in the city or elsewhere, to transact any business of a type for which this chapter requires a license, or to carry on any business for which a license is required however briefly or however transitorily, without first obtaining a license to do so, under the provisions of this chapter.
- (2) It shall be a violation of this chapter for any person, whether based in the city or elsewhere, made liable for obtaining a business license under this chapter, to fail to show the license or a copy thereof to any police officer within a reasonable time after the making of a demand therefore by the police officer.
- (3) It shall be a violation of this chapter to fail to pay the license fees required by this chapter by the date on which such payments are due.
- (4) Any person violating any of the provisions of this chapter shall, upon conviction in the recorder's court of the city, be punished as provided in section 1-1-5 of this code.

Section 7-1-19 Owner and manager both punishable for violations.

In the event that a business is being conducted without a license, both the person owning the business and the person in charge of the management of the business in the city may be held liable for the violation of the provisions of this chapter, and upon conviction, either or both may be punished as provided for in section 7-1-18.

Section 7-1-20 Subsequent amendments; other fees.

This chapter shall be subject to amendment or repeal, in whole or in part, at any time, and no amendment or repeal shall be construed to deny the right of the city to assess, levy and collect any of the license fees prescribed. The payment of any license fee herein provided for shall not be construed as prohibiting the assessment, levy or collection of additional license or permit fees upon the same person, firm or corporation.

## CHAPTER 2

### Peddling, Soliciting and Canvassing

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

- § 7-2-1 Registration required.
- § 7-2-2 Registration; fee; application for identification card.
- § 7-2-3 Exhibition of registration card.
- § 7-2-4 Unlawful acts.

Section 7-2-1 Registration required.

Any person peddling, soliciting or canvassing within the city shall be required to register and obtain an identification card as provided by this chapter.

Section 7-2-2 Registration; fee; application for identification card.

Any person desiring to peddle, solicit or canvass within the city shall pay to the city clerk or his designated representative a registration fee of seven dollars (\$7.00) and shall make application with the chief of police for an identification card which shall show payment of the registration fee and the days that the registrant has registered to peddle, solicit or canvass within the city.

Section 7-2-3 Exhibition of registration card.

Each registrant shall at all times while in the city have upon his person the registration card and shall exhibit the same when requested to do so by any law enforcement officer or by any municipal authority and by any person being solicited. Possession of this registration card shall not in any way represent an endorsement or approval of any products or project by the city.

Section 7-2-4 Unlawful acts.

- (1) It shall be unlawful for any person to peddle, canvass or solicit after sundown.
- (2) It shall be unlawful for any person to peddle within the fire zone of the city.
- (3) It shall be unlawful for any person to peddle, canvass or solicit without having registered with the city clerk in accordance with this chapter or to peddle, solicit or canvass without having on his person and in his possession an identification card issued in accordance with this chapter.

## CHAPTER 3

### Alcoholic Beverages

State Law Reference: Alcoholic beverage code, O.C.G.A., Title 3.

Cross Reference: Alcoholic beverage excise taxes, Section 2-5-41 et. seq.

- § 7-3-1 Definitions.
- § 7-3-2 License required.
- § 7-3-3 Qualifications of applicant.
- § 7-3-4 Application required; investigation and report; action by mayor and council.
- § 7-3-5 License issuance; terms.
- § 7-3-6 License fees.
- § 7-3-7 Conditions of operation.
- § 7-3-8 Wholesaling to unlicensed retailers.
- § 7-3-9 Suspension; revocation.
- § 7-3-10 Sales under suspended license.
- § 7-3-11 Violations, penalties.

#### Section 7-3-1 Definitions.

As used in this chapter:

- (1) Alcohol. Alcohol means the product of distillation of any liquid, whether rectified or diluted, whatever may be the origin thereof, and shall include synthetic ethyl alcohol.
- (2) Distilled spirits. Distilled spirits means any alcoholic beverage containing alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, cordials, or other spirituous liquors by whatever name called, to include fortified wines as defined by Federal Alcohol Administration, but nothing in this chapter shall prohibit the sale of wines from natural fermentation of fruits, berries, and other products.
- (3) Malt beverage. Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent (6%) alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.
- (4) Retailer or retail dealer. Retailer or retail dealer means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.
- (5) Wholesaler or wholesale dealer. Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

- (6) Wine. Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation" with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Section 7-3-2 License required.

It shall be unlawful for any person to sell any alcoholic beverages within the city limits without first obtaining a license from the mayor and council. No license for consumption on the premises shall be issued to any person who does not possess a retail package license. (Ordinance of January 19, 1967)

Section 7-3-3 Qualifications of applicant.

- (1) Any applicant for an alcoholic beverage license must show, to the satisfaction of the mayor and council, financial responsibility. Financial statements must be submitted with each completed application as prescribed by the governing authority. Forms for financial statements shall be furnished by the council along with or included in the application forms for a license.
- (2) Any applicant for an alcoholic beverage license must be of good character; and all managers, clerks or other employees shall be of like character. Corporation 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 moral turpitude, or who has been convicted under any federal, state, or local law of any 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 he is seeking a license in conformity with federal, state, or city laws.

State Law Reference: Due process requirements for grant or denial of license, O.C.G.A., Section 3-3-2.

Section 7-3-4 Application required; investigation and report; action by mayor and council.

- (1) Persons desiring to sell alcoholic beverages shall file an application with the city clerk, who shall refer the same to the chief of police for investigation. The chief of police shall investigate the:
  - (a) moral fitness and reputation of the applicant;
  - (b) his reputation as a peaceful citizen or law violator;
  - (c) the general character and reputation of his place of business; and

- (d) any other facts that the mayor and council should know in considering the granting of a permit and license to the applicant.
- (2) It shall be the duty of the chief of police to report his findings to the mayor and council at the next meeting or as soon thereafter as possible, which body shall either grant or refuse the permit or license.

Section 7-3-5 License issuance; terms.

- (1) All licenses shall be issued by the city clerk in the name of the person, firm or corporation to whom it is issued. No license shall be transferred or transferable, except by prior permission of the city.
- (2) All licenses shall be issued for each calendar year beginning on January 1, and shall be good until December 31 of the year in which issued.
- (3) All places of business issued a license to sell alcoholic beverages shall, at the time the license is issued, agree to abide by the state laws regulating the sale thereof and any ordinances passed by the city in reference thereto.
- (4) All licenses shall be displayed in a prominent place in each place of business. (Ordinance of November 23, 1955)

Section 7-3-6 License fees.

- (1) Retail license fees shall be as follows:
  - (a) Malt beverages, package sales \$ 50
  - (b) Wine, package sales \$ 50
  - (c) Distilled spirits, package sales \$ 1,000
  - (d) Consumption on the premises, all beverages \$ 200
- (2) The license fee shall accompany the license application and shall either be in cash or certified funds. (Ordinance of November 23, 1955; Ordinance of January 19, 1967)

Section 7-3-7 Conditions of operation.

Sales of alcoholic beverages shall be lawful within the city limits under the following conditions:

- (1) The seller must hold a license issued in accordance with the chapter.
- (2) No place of business licensed for the sale of malt beverages or wine shall be located within 100 yards of a church or school. No place of business licensed for the sale of distilled spirits shall be located within 200 yards of a church or school.
- (3) No sales shall be made by any person outside of the place of business of the licensee.



- (4) All such beverages sold or offered for sale shall be conspicuously displayed in the place of business, and shall not be hidden or concealed in any manner by blinds, shades, curtains, screens or partitions.
- (5) The city police shall have full authority and privilege of making inspections at any time to see that the provisions of this article are not violated.
- (6) No alcoholic beverages shall be sold to any person under the age at which such beverages may be legally purchased in the State of Georgia.
- (7) No alcoholic beverages shall be sold on Sunday. Election day sales are specifically permitted as authorized by state law.
- (8) No licensee shall employ a minor as a clerk or in any other capacity to sell alcoholic beverages; and every licensee shall file with his application the name and ages of every person employed by him in the business. Changes in employees after a license has been granted shall be immediately reported to the city clerk.

State Law Reference: Offenses involving minors, O.C.G.A., Section 3-3-23.

Section 7-3-8 Wholesaling to unlicensed retailers.

It shall be unlawful for any wholesale dealer in alcoholic beverages to sell, dispense or deliver any such beverages to any person who is not duly authorized and licensed to sell alcoholic beverages at retail within the city.

Section 7-3-9 Suspension; revocation.

- (1) Any license which has been issued or which may hereafter be issued by the city to any licensee may be suspended or revoked for due cause as hereinafter defined, and after a hearing held for the purpose of considering any such suspension or revocation. At least five (5) days prior written notice of a time, place and purpose of such hearing, and a statement of the charge or charges upon which such hearing shall be held shall be given to the holder of such license which is sought to be suspended or revoked.
- (2) "Due cause" for the suspension or revocation of any license shall consist of a violation of any laws or ordinances regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such businesses, or for the violation of any state, federal, municipal or city ordinance that would prevent one from obtaining a license, or for the violation of any provision of this chapter.
- (3) When a license is suspended or revoked, the city shall not be required to refund any portion of the license fee to the holder of such suspended or revoked license. When a license is revoked, the licensee may not reapply for a license hereunder for a period of three (3) years from such revocation.

State Law Reference: Due process requirements for the suspension or revocation of licenses, O.C.G.A., Section 3-3-2.

Section 7-3-10 Sales under suspended license.

No person whose license has been suspended or revoked pursuant to any provisions hereof shall sell any beverages covered by the suspended or revoked license during the period of such suspension or after such revocation.

Section 7-3-11 Violations, penalties.

Any person violating this chapter shall, upon conviction, be punished as provided in section 1-1-5 of this code.

## CHAPTER 4

### Miscellaneous Regulations

- § 7-4-1 Parades; permit required.
- § 7-4-2 Application for permit.
- § 7-4-3 Investigation.
- § 7-4-4 Poolrooms; minors prohibited.
- § 7-4-5 Well drilling.

#### Section 7-4-1 Parades; permit required.

It shall be unlawful for any person to participate in, conduct or accompany any organized parade or procession, other than a funeral procession, on the public streets, sidewalks or other public property in the city unless an application has been previously filed and a permit granted to conduct such parade or procession within the city.

#### Section 7-4-2 Application for permit.

An application for permit to conduct or sponsor a parade or procession shall be filed with the chief of police in writing and shall contain the following information furnished by the person in official charge of the proposed parade or procession:

- (1) the name of all organizations or persons organizing or sponsoring the parade or procession;
- (2) the purpose of the parade or procession;
- (3) the date and hours of the parade or procession;
- (4) the proposed route of the parade or procession, and its beginning and termination points;
- (5) the number and types of vehicles, marching units and floats to be used in the parade or procession; and
- (6) the number of persons participating in the parade or procession.

#### Section 7-4-3 Investigation.

The chief of police shall investigate all applications for parade permits, and may issue permits where the information specified in section 7-4-3 has been furnished, provided the proposed parade or procession is otherwise lawful and can be held without undue interference with vehicular and pedestrian traffic within the city, of which circumstances the chief of police shall exercise his discretion.

#### Section 7-4-4 Poolrooms; minors prohibited.

It is unlawful for any person who operates a billiard parlor or poolroom in the city to allow any person under 16 years of age to enter billiard parlors or poolrooms in the city, unless accompanied by a parent or guardian.

Section 7-4-5      Well drilling.

Henceforth, no wells for water shall be drilled in the city without prior written permission of the mayor and council. A permit shall be issued upon application showing:

- (1) the driller is licensed by the State of Georgia pursuant to O.C.G.A., section 12-5-127;
- (2) the work will be performed in accordance with all state standards, where applicable;  
and
- (3) where the proposed work is not subject to regulation by the State, the drilling and use of the well will not result in contamination of the public water supply.

## TITLE 8

### Motor Vehicles and Traffic

Chapter 1	General provisions
Chapter 2	Traffic Regulations
Chapter 3	Parking Regulations

#### CHAPTER 1

##### General provisions

- § 8-1-1 Uniform Rules of the Road adopted.
- § 8-1-2 Temporary traffic regulations.
- § 8-1-3 Vehicle cover required.
- § 8-1-4 Traffic, speed, truck, parking and other zones, signs and traffic control devices; schedule.
- § 8-1-5 Obstruction of view and use by trees and shrubs; notice.

##### Section 8-1-1 Uniform Rules of the Road adopted.

Pursuant to chapter 6 of title 40, code sections 40-6-372 through 40-6-376, sections 40-6-1 through 40-6-354 of that chapter known as the Uniform Rules of the Road, are hereby adopted as and for the traffic regulations of this city with like effect as if recited herein.

##### Section 8-1-2 Temporary traffic regulations.

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

##### Section 8-1-3 Vehicle cover required.

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

##### Section 8-1-4 Traffic, speed, truck, parking and other zones, signs and traffic control devices; schedule.

- (1) The police chief or a designee thereof, upon approval by ordinance of the city council, is authorized to designate and maintain with appropriate traffic control signs, markings and devices after engineering and traffic investigations:
  - (a) speed zones;
  - (b) truck routes and streets to be designated specifically to prohibit various classes of trucks;

- (c) one-way streets and other directional control devices;
  - (d) freight loading zones and regulations;
  - (e) parking and no parking zones and regulations thereon;
  - (f) stop, yield and other right-of-way signs; and
  - (g) stop signals and other traffic signals.
- (2) The police chief or a designee thereof is authorized to issue written orders designating by appropriate traffic control signs, markings and devices after engineering and traffic investigations:
- (a) pedestrian crosswalks;
  - (b) other safety zones for pedestrians;
  - (c) traffic lanes; and
  - (d) any other sign, marking or zone -necessary for orderly and safe conditions on the streets of the city.
- (3) The police chief shall maintain or cause to be recorded a current schedule of all traffic rules, regulations and orders under this section, which record shall be available for inspection by the public. For items listed in subsection (a) above, this schedule, and any amendments thereto, shall become effective only upon approval thereof by ordinance of the city council and this schedule is hereby incorporated herein and copies thereof shall be available for public inspection in the office of the city clerk.
- (4) All traffic control signs, signals, devices and markings shall conform to specifications in the "Manual on Uniform Traffic-control Devices" adopted by the state transportation board. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this code shall be official traffic control devices of the city.
- (5) Any violation of any traffic zone, marking, sign or other traffic control device established hereunder shall be a violation of this code.

Section 8-1-5 Obstruction of view and use by trees and shrubs; notice.

- (1) No person owning, occupying or in anywise controlling property in this city shall permit any tree, bush or shrub on the property to project over any street or sidewalk of this city so as to obstruct or interfere with the view and use of persons walking or riding in a vehicle on the street or sidewalk or of other persons or vehicles approaching from cross or intersecting streets.
- (2) It shall be unlawful for any person, whether the owner, tenant, agent or person controlling property in the city to fail to remove any tree, bush or other obstruction from the streets or sidewalks of this city after 10 days' notice by the city to do so.

## CHAPTER 2

### Traffic Regulations

- § 8-2-1 Free flow of traffic; obstruction prohibited.
- § 8-2-2 Speed limits established.
- § 8-2-3 Traffic signs, signals and markings.
- § 8-2-4 Tracked vehicles prohibited on streets.
- § 8-2-5 Penalty for violation.

#### Section 8-2-1 Free flow of traffic; obstruction prohibited.

All persons are prohibited from engaging in driving procedures which obstruct the free flow of traffic in, around, over and through the streets, alleyways and other public ways of the city. Any person is prohibited from stopping his vehicle (except at a stop signal or stop sign, or to honor another driver's right-of-way, or in an emergency situation) in a manner as to obstruct the free and orderly flow of traffic by the maneuver, or to engage in unduly slow driving procedures so as to obstruct the free flow of traffic or to needlessly "circle the block" or dawdle or make unnecessarily rapid accelerations and decelerations or to in any other manner constitute a traffic nuisance or hazard.

#### Section 8-2-2 Speed limits established.

- (1) No person shall operate any motor vehicle or tractor upon any of the streets and highways of the city at a greater speed than is reasonable and proper having regard to the width, traffic and use thereof, or so as to endanger the property or life or limb of any person.
- (2) Thirty miles per hour shall be the maximum speed on all streets or portions of streets within the city unless otherwise indicated by officially posted signs designating the maximum vehicular speed upon those streets as approved by the city council.

#### Section 8-2-3 Traffic signs, signals and markings.

All traffic shall obey and be directed by official traffic control signals, signs and markings erected at street intersections and other locations now or hereafter approved by the city council.

#### Section 8-2-4 Tracked vehicles prohibited on streets.

It is unlawful for any person to operate any tracked or other vehicle having metal tracks or wheels upon the city streets.

#### Section 8-2-5 Penalty for violation.

Any person who shall violate any provision of this chapter shall, upon conviction be punished as provided in section 1-1-5 of this code.

## CHAPTER 3

### Parking Regulations

- § 8-3-1 Vehicles to be parked within marked spaces.
- § 8-3-2 Parking prohibited at all times in certain locations.
- § 8-3-3 Parking prohibited in certain locations, certain days and hours.
- § 8-3-4 Parking time limited in certain locations, certain days and hours.
- § 8-3-5 Special purpose parking zones established, parking otherwise prohibited.
- § 8-3-6 Penalty for violation.

#### Section 8-3-1 Vehicles to be parked within marked spaces.

Whenever a space is marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding that space.

#### Section 8-3-2 Parking prohibited at all times in certain locations.

It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the streets and alleys of the city specifically designated by posted signs indicating the prohibited parking.

#### Section 8-3-3 Parking prohibited in certain locations, certain days and hours.

It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the days and between the hours indicated and specified by posted signs indicating the prohibited parking.

#### Section 8-3-4 Parking time limited in certain locations, certain days and hours.

It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any of the places on the streets and alleys of the city, at any time on the days and between the hours indicated and specified by posted signs limiting parking time in certain locations on certain days and hours.

#### Section 8-3-5 Special purpose parking zones established, parking otherwise prohibited.

It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any locations on the streets and alleys of the city established and designated as special purpose parking zones indicated and specified by posted signs approved by the city council.

#### Section 8-3-6 Penalty for violation.

Any person who shall violate any provision of this chapter shall, upon conviction, be punished as provided in section 1-1-5 of this code.



## TITLE 9

### Offenses

- Chapter 1 General Offenses
- Chapter 2 Nuisances
- Chapter 3 Animals

## CHAPTER 1

### General Offenses

Editorial Note: Municipalities are prohibited by law from enacting ordinances covering matters which have been preempted by general law and are prevented from regulating conduct which has been made a violation of any criminal law of the state. See O.C.G.A., Section 36-35-6 (a) (2); Georgia Constitution of 1982, Article III, Section VI, Paragraph IV.

State Law Reference: Abandonment of airtight containers, O.C.G.A., Section 16-11-100; fireworks, O.C.G.A., Section 25-10-1 et seq.; disorderly houses, O.C.G.A., Section 16-11-44; peeping toms, O.C.G.A., Section 16-11-61; gambling, O.C.G.A., Section 16-12-20 et seq.; cruelty to animals, O.C.G.A., Section 16-12-4; criminal trespass, O.C.G.A., Section 16-7-21.

- § 9-1-1 Disorderly conduct.
- § 9-1-2 Public drunkenness.
- § 9-1-3 Noise; creating unnecessary noise.
- § 9-1-4 Posting signs on poles without consent.
- § 9-1-5 Weapons; discharge in city.
- § 9-1-6 Fortunetelling prohibited.
- § 9-1-7 Maintaining standards of neighborhood; maintaining standards of business establishment; prohibition of keeping of junk, abandoned appliances, inoperative vehicles, and' other equipment on property.

#### Section 9-1-1 Disorderly conduct.

It shall be unlawful and disorderly conduct for any person to:

- (1) act in a violent or tumultuous manner toward another, whereby a reasonable person would be placed in fear of safety for life or limb;
- (2) place the property of another in serious danger of being destroyed or damaged;
- (3) use fighting words directed toward another, who becomes outraged and thus creates a turmoil;
- (4) violently interfere with another's pursuit of a lawful occupation; or
- (5) congregate with others to halt the flow of vehicular or pedestrian traffic and refuse to clear the way when ordered by lawful authority to do so.

Section 9-1-2 Public drunkenness.

It shall be unlawful for any person to be on the streets of the city or in any public place in an intoxicated condition.

Section 9-1-3 Noise; creating unnecessary noise.

- (1) The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the city is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.
- (2) The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
  - (a) Horns. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion except as a danger signal if another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of that device for an unnecessary or unreasonable period of time.
  - (b) Musical instruments. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 12 midnight and 7:00 a. m., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or any persons in the vicinity, except this section shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.
  - (c) Voices. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 12 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity.
  - (d) Noisy vehicle. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in any manner as to create loud and unnecessary grating, grinding or rattling, or other noise.
  - (e) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper city authority.
  - (f) Exhausts. To discharge into the open air the exhaust of any stationary steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (g) Construction work. The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of

7:00 a.m. and 6:00 p.m. on week days except in cases of urgent necessity, and then only with a permit from the city, which permit may be granted for a period not to exceed 60 days while the emergency continues.

- (h) On streets of institutions requiring quiet. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.
  - (i) Loudspeakers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
  - (j) Animals, birds. The keeping of any animal or bird which shall disturb the comfort or repose of any persons in the vicinity by making long, continual or frequent noise.
- (3) None of the foregoing terms or prohibitions shall apply to or be enforced against:
- (a) any vehicle of the city while engaged upon necessary public business;
  - (b) excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or state during the night season, when the public welfare and convenience renders it impossible to perform that work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefore; and
  - (c) the reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (4) The prohibitions shall not be applicable to any parade, celebration or performance for which a written permit has been obtained prior thereto from the city clerk.
- (5) It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the city; provided that nothing in this section shall apply to the United States of America, the state, the county nor the city, nor to public agencies.

Section 9-1-4 Posting signs on poles without consent.

It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone or electric company's pole, or upon any public property or the private property of any person any bills, signs or advertisements without the consent in writing of the owner thereof.

Section 9-1-5 Weapons; discharge in city.

It shall be unlawful for any person to discharge a firearm, including pistol, rifle and shotgun, or to shoot an air gun, including BB gun and pellet gun, within the city, except by law enforcement officers in the line of duty, and the military when on drill or parade, or at a funeral in honor of the dead; provided, however, it shall not be unlawful for any person to shoot a BB gun upon private property if that person shall have first obtained the express permission of the owner of that property to do so.

Section 9-1-6 Fortunetelling-Prohibited.

It shall be unlawful for any person or company to engage in the business of fortunetelling, Indian advisor or any related activity, whether for profit or not, within the city limits. (Ordinance of March 6, 1969)

Section 9-1-7 Maintaining standards of neighborhood; maintaining standards of business establishment; prohibition of keeping junk, abandoned appliances, inoperative vehicles, and other equipment on property.

- (1) In order to eliminate unsightly, unhealthy or dangerous situations, and in order to protect property values and to enhance the beauty of the city, it shall be unlawful for any person to own, rent, lease or be in possession of any premises, dwelling unit or other structure, place or vacant lot wherein the property is permitted to deteriorate in appearance or condition so as to be degrading to the surrounding premises.
- (2) Conditions such as having tall grass, weeds and bushes, other undergrowth, and trash or debris of any type; the keeping of dilapidated furniture, appliances, machinery, bicycles and other toys, equipment including automobiles which are either in a wholly or partially wrecked, junked, dismantled and/or in an inoperative condition, shall be declared to be unsightly, unkempt, degrading and in violation of this section of the code.
- (3) Should the chief of police determine that any person is violating the terms of this section, he shall give the offending party 10 days' notice within which to eliminate the unsightly, unhealthy or dangerous situation. This notice shall be in writing and shall be a prerequisite to the bringing of charges against an offender. Should the person to whom the notice is directed fail to comply with the request made therein within the 10 day period, the law enforcement officers of the city shall be authorized to proceed with the bringing of charges for the violation. Each day the conditions continue shall be deemed a separate offense.
- (4) Following conviction for violation of this section, the city may, at its option, proceed to remedy the unsightly, unhealthy or dangerous situation and accomplish the necessary work. The owner or occupant, or both, shall be liable for the actual cost of such work.
- (5) Furniture, appliances, machinery or equipment, including automobiles, as hereinabove defined, which remain on the same property for a period of 30 days after either a plea or a finding of guilty shall be presumed to be abandoned and subject to being removed from the property by the chief of police and shall be disposed of by destruction or sale.

## CHAPTER 2

### Nuisances

State Law Reference: Nuisances, O.C.G.A., Title 41.

- § 9-2-1 Definition.
- § 9-2-2 Jurisdiction to try and abate.
- § 9-2-3 Complaint of nuisance; hearing.
- § 9-2-4 Abatement by city.
- § 9-2-5 Nuisance per se, exception; summary abatement.
- § 9-2-6 Offense; penalty.

Section 9-2-1 Definition.

The following conditions may be declared to be nuisances:

- (1) stagnant water on premises;
- (2) any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
- (3) the generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city;
- (4) the pollution of public water;
- (5) maintaining a dangerous or diseased animal or fowl;
- (6) obstruction of a public street, highway or sidewalk without a permit;
- (7) loud or unusual noises which are detrimental or annoying to the public, including without limitation, unusual loud disturbances in or around churches or multiple family complexes such as loud music and other activities in swimming pool and clubhouse areas;
- (8) all walls, trees and buildings that may endanger persons or property;
- (9) any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;
- (10) unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;
- (11) any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city; and
- (12) any other condition constituting a nuisance under state law.

Section 9-2-2 Jurisdiction to try and abate.

The recorder's court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in section 1-1-5 of this code.

State Law Reference: Jurisdiction of recorder's court to determine existence of nuisance and order its abatement, O.C.G.A., Section 41-2-5.

Section 9-2-3 Complaint of nuisance; hearing.

- (1) Any official or inhabitant of the city may direct a complaint of nuisance to the city police department, who shall investigate and may place the complaint on the recorder's court docket for a hearing upon the basis of the investigation. The recorder's court after a 10 day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the recorder shall deem reasonable, having consideration -for the nature of the nuisance and its effect on the public.
- (2) Animal control officers, license and building inspectors shall and may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as police officers.

Section 9-2-4 Abatement by city.

- (1) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the recorder that it must be immediately abated, the recorder may issue an order to the chief of police directing the nuisance to be abated. The chief of police in such case, shall keep record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection as for city revenues.
- (2) Other city departments shall assist the chief of police as is necessary in abating nuisances hereunder.

Section 9-2-5 Nuisance per se, exception; summary abatement.

Nothing contained in this chapter shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Section 9-2-6 Offense; penalty.

It is hereby declared to be an offense for any owner, agent or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense.

State Law Reference:

Failure to abate nuisance after order to do so is a state crime,  
O.C.G.A., Section 41-1-6.

## CHAPTER 3

### Animals

Cross Reference: Noise created by animals, Section 9-1-3 (b) (10).

#### ARTICLE A

##### General provisions

- § 9-3-1 Bird sanctuary; wildlife.
- § 9-3-2 Fowl or livestock running at large prohibited.
- § 9-3-3 Enclosures for animals and fowl.
- § 9-3-4 Health department regulations.
- § 9-3-5 through 9-3-10 reserved.

#### ARTICLE B

##### Dogs

- § 9-3-11 Leash law.
- § 9-3-12 Vicious or diseased dogs.
- § 9-3-13 Summons.
- § 9-3-14 Penalties.

#### ARTICLE A

##### General provisions

Section 9-3-1 Bird sanctuary; wildlife.

- (1) The entire area embraced within the corporate limits of the city is designated as a bird sanctuary.
- (2) It shall be unlawful to trap, hunt, molest or kill any wild bird or to rob any wild bird's nest; provided, however, if nuisance birds such as starlings are found to be congregating in such numbers in a particular locality so as to constitute a nuisance or a menace to health or property in the opinion of the mayor and council, those birds may be destroyed as humanely as possible, under the supervision of the police department, in such numbers and in such manner as is deemed advisable by the mayor and council.
- (3) It shall be unlawful to trap, hunt, molest or kill any other wild game in the city except by order of the chief of police.

Section 9-3-2 Fowl or livestock running at large prohibited.

It shall be unlawful for any owner or person in control of any domestic fowl or livestock to allow that domestic fowl or livestock to run at large within the city.



Section 9-3-3 Enclosures for animals and fowl.

Any housing or enclosure used for the keeping of animals or fowl shall be well drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.

Section 9-3-4 Health department regulations.

- (1) There are currently in existence certain rules and regulations adopted by the Liberty County Board of Health with the purpose of preserving the public health, safety, and welfare of the citizens of Liberty County, Georgia. The city specifically adopts and incorporates by reference the provisions of the following rules and regulations which are in force at the time of the adoption of this chapter:
  - (a) Rules and regulations for animal control adopted by the Liberty County Board of Health on November 17, 1988.
- (2) A copy of all these rules and regulations are on file in the office of the city clerk where they are available for public inspection. Wherever a conflict exists between the health department regulations and other provisions of this code, the most stringent provision shall prevail and be controlling.
- (3) Any violation of the rules and regulations hereby referenced shall be a violation of this code and shall subject the offender, upon conviction, to the imposition of a fine not to exceed \$100 or imprisonment for a period not to exceed 30 days or both.
- (4) The Municipal Court of Midway shall have jurisdiction over violations of this section and all procedures for enforcement of this chapter shall be as provided in article 4, chapter 10, title 15 Official Code of Georgia Annotated. Complaints of violations of any provision of this chapter shall be brought before the Municipal Court of Midway by designated representative of the Liberty County Board of Health and shall be prosecuted through that court. A complaint shall be brought before the municipal court only after all notices and rights to a hearing before a hearing officer of the board of health shall have been provided. (Ordinance of February 12, 1989)

Sections 9-3-5 through 9-3-10 reserved.

## ARTICLE B

### Dogs

#### Section 9-3-11 Leash law.

- (1) It shall be unlawful for any owner or possessor of any dog to allow the dog to run at large, whether wearing a collar and tag or not, within the city. Any and all such dogs found running at large, whether wearing a collar and tag or not, shall be immediately impounded by officers of the city.
- (2) Any dog is considered running at large and not under immediate control if it is not on a leash, not at heel, or not beside a competent person and obedient to that person's commands. A dog is under control when it is in a vehicle driven or parked, or confined within the property limits of his or her owner.

#### Section 9-3-12 Vicious or diseased dogs.

- (1) Any dog that has attacked and bitten a person or other animal without provocation or has attempted to bite a person or other animal without provocation shall be deemed a vicious dog.
- (2) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious or diseased dog on the streets or public places of the city or allow the dog to run on the premises of another, at any time; unless and in addition to the other requirements of this chapter the dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

#### Section 9-3-13 Summons.

A city officer, at his discretion, may elect not to impound a dog or other animal found in violation of any section of this chapter, but to issue or cause to be issued a summons directed to the owner or possessor of the dog to appear before the recorder's court on a certain day to stand trial for the violation of this chapter.

#### Section 9-3-14 Penalties.

Any person violating this chapter may be punished as provided in section 1-1-5 of this code.

## ORDINANCE AND RESOLUTION DISPOSITION TABLE

NC - Not codified

R - Repealed

S - Superseded

et seq. - And the sections which follow

Date	Subject	Disposition
11/23/55	Alcoholic beverage sales	7-3-5, 7-3-6
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6/29/67	Minors/alcoholic beverages	See note following 7-3-7
7/27/67	Mobile homes	R
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3/6/69	Fortunetelling	9-1-6
6/5/69	Junk cars	R
6/28/75	Building codes	S6-2-2, 6-2-11, 6-2-21, 6-2-31
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7/8/85	Alcoholic beverage sales	R
1/12/87	Bonds, surety	2-4-4
2/12/89	County animal regulations	9-3-4

## INDEX TO CODE

(References are to section numbers)

USE OF INDEX: This index is designed for user ease. To locate information found in the code, formulate a specific question. The key words in that question then become guides for using the index. In the event you do not locate the desired information on your first attempt, the following checklist may help.

- (1) Cross references (when needed) are always located at the beginning of entries. Have you overlooked any?
- (2) Frequently initial questions are too general. Reformulating a more specific question may help.
- (3) Definitions can be located under the "DEFINITIONS" main heading or in specific subject areas through the subheading "Definitions of terms."

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