# Subpart A  GENERAL ORDINANCES

## Chapter 1 GENERAL PROVISIONS[[1]](#footnote-1)

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

The ordinances embraced in the following chapters and sections shall constitute and be designated as " The Code of Rockdale County, Georgia," and may so be cited.

(Code 1978, § 10-1001)

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

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the construction would be inconsistent with the manifest intent of the county commissioners:

*Commissioners, board, board of commissioners, commission.* The terms "commissioners," "board," "board of commissioners" and "commission" shall mean the Board of Commissioners of Rockdale County.

*Code, this code.* Whenever the terms "Code" and "this Code" are referred to without further qualification, they shall mean the Code of Rockdale County, Georgia, as designated in section 1-1.

*County.* The term "county" shall mean the unincorporated area of Rockdale County unless otherwise specifically provided.

*County chairperson.* The term "county chairperson" shall mean the chairperson of the board of commissioners.

*County clerk.* The term "county clerk" shall mean the county executive assistant or a designee thereof.

*Gender.* The masculine gender includes the feminine and neuter.

*Governing authority, governing body.* The terms "governing authority" and "governing body" shall mean the county board of commissioners.

*May.* The term "may" is always directory and not mandatory.

*Number.* Words used in the singular shall include the plural, and words used in the plural shall include the singular number.

*Oath.* Oath includes affirmation.

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

*Or, and.* The term "or" may be read as the term "and," and the term "and" may be read as the term "or," if the sense requires it.

*Other officials or officers, etc.* Whenever reference is made to officers, officials, employees, boards, commissions, departments, agencies, etc., by title only, i.e., "county clerk," "sheriff," etc., they shall be deemed to refer to the officers, officials, employees, boards, commissions, departments, agencies, etc., of Rockdale County, Georgia.

*Person* The term "person" shall extend and be applied to firms, partnerships, associations, organizations, societies, trusts, companies, trustees, and bodies politic and corporate, other legal entities, or any combination thereof, as well as to individuals.

*Shall.* The term "shall" is always mandatory and not directory.

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

*State.* The term "state" shall mean the State of Georgia.

*Street.* The term "street" shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

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

*Year.* The term "year" shall mean a calendar year.

(Code 1978, § 10-1002)

State law reference(s)—Similar provisions regarding definition of street, O.C.G.A. § 40-1-1.

Sec. 1-3. Catchlines of sections.

The catchlines of sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of the sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections including the catchlines are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any part, chapter or article.

(Code 1978, § 10-1003)

Sec. 1-4. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

Sec. 1-5. Editor's notes and references.

The editor's notes, cross references and state law references, and any other reference notes in this Code are not intended to have any legal effect but are merely intended to assist the user of this Code.

Sec. 1-6. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1978, § 10-1004)

Sec. 1-7. Severability of parts of Code.

It is hereby declared to be the intention of the county commission 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, or its application to any persons or circumstances, shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, or their application. The board hereby declares that it would have passed this Code and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional.

(Code 1978, §§ 6-3007, 10-1005)

Sec. 1-8. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portion may be excluded from this Code by omission from reprinted pages.

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

"That section \_\_\_\_\_\_\_ of the Code of Rockdale County, Georgia, is hereby amended to read as follows: (Set out new provisions in full)."

(c) When the board of commissioners desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the board of commissioners desires to incorporate into the Code, a section in substantially the following language shall be made a part of the ordinance:

"Section \_\_\_\_\_\_\_. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Rockdale County, Georgia, and the sections of this ordinance may be renumbered to accomplish that intention."

(d) When necessary, sections and subsections to the Code may be renumbered by the official codifier for the county to fulfill the intent of the board of commissioners, but all such changes shall be immediately brought to the board of commissioners' attention and approved in advance by the county attorney.

(e) All sections, articles, chapters or provisions of this Code desired to be repealed shall be specifically repealed by section or chapter number, as the case may be.

(Code 1978, § 10-1006)

Sec. 1-9. Supplementation of Code.

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

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

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

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code;

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

(5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted in the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-10. Altering Code.

It shall be unlawful for any person to intentionally change, or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the county to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-11.

(Code 1978, § 10-1007)

Sec. 1-11. General penalty.

(a) Whenever in this Code or in any ordinance, rule, regulation or order of the county any act is prohibited or is made or declared to be unlawful, or whenever in the Code or any ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of that provision of the Code or any ordinance, rule, regulation or order may be punished by the Magistrate Court of Rockdale County, for each single violation, by a fine of not more than $1,000.00, or by imprisonment for not more than 60 days, or both.

(b) Each day any violation of any provision of this Code shall continue shall constitute a separate offense.

(c) Notwithstanding all other provisions previously established for punishment of violations of this Code, this provision shall prevail.

(Code 1978, § 10-1008)

Sec. 1-12. Applicability of Code.

The provisions of this Code, unless otherwise clearly specified, shall apply only to the unincorporated areas of the county.

(Code 1978, § 10-1009)

Sec. 1-13. Miscellaneous actions and ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance or resolution of the county promising or guaranteeing the payment of money by or to the county, or authorizing the issuance of any bonds of the county, or any evidence of the county's indebtedness, or any contract or obligation assumed by the county;

(3) Any right or franchise granted by any ordinance or resolution of the board of commissioners to any person, firm or corporation;

(4) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the county;

(5) Any ordinance or resolution levying or imposing charges, fees or taxes now due or accrued;

(6) Any ordinance or resolution or part thereof that has been repealed by a subsequent ordinance or resolution which is repealed by this Code;

(7) Any temporary, special or other uncodified ordinance;

(8) Any rezoning ordinance or any ordinance amending a zoning map;

(9) Any ordinance dedicating or accepting any plat or subdivision in the county;

and all such actions, resolutions and ordinances are hereby recognized as continuing in full force and effect, or as continuing to be repealed, to the same extent as if set out at length in, or repealed by, as the case may be, this Code.

(Ord. of 10-10-1978, § 3)

## Chapter 2 ADMINISTRATION[[2]](#footnote-2)

### ARTICLE I. IN GENERAL

Secs. 2-1—2-30. Reserved.

### ARTICLE II. BOARD OF COMMISSIONERS

Sec. 2-31. Closed meetings.

(a) This section shall apply to the county board of commissioners or any board, commission or other body of the county.

(b) Members of any body covered by this section shall be allowed to bring with them in closed meetings of the body any county employees or officers each may deem necessary; provided such persons shall not divulge any information so gained without the permission of the full membership of that body, and to divulge such information otherwise shall be unlawful.

(Code 1978, § 1-1001)

State law reference(s)—Open and public meetings, O.C.G.A. § 50-14-1 et seq.

**Annotation—**Legislative committees do not take "official action" and therefore are exempt from the requirements of the "sunshine" law. *Coggin* v. *Davey*, 233 Ga. 407, 211 S.E. 2d 708(1975).

Sec. 2-32. Procedure for adoption of ordinances.

(a) A proposed ordinance may be introduced by any commission member and shall be introduced and read at a regular or special meeting only if the ordinance is listed on the agenda for that meeting; however, this requirement may be waived by a motion unanimously adopted by all commission members.

(b) No ordinance may be adopted at the same meeting at which it is introduced; however, this requirement may be waived by a motion unanimously adopted by all commission members in attendance.

(Code 1978, § 1-1002)

Secs. 2-33—2-60. Reserved.

### ARTICLE III. OFFICERS AND EMPLOYEES[[3]](#footnote-3)

Sec. 2-61. Chief operating officer.

(a) There is created the position of chief operating officer. The chief operating officer shall be responsible for internal and external communications aimed at achieving the objectives of the chairperson and the board of commissioners. The chief operating officer shall, subject to the direction of the board of commissioners, coordinate departmental functions involved in implementing initiatives and special projects and in such capacity shall:

(1) Serve as the liaison between members of the board of commissioners.

(2) Facilitate internal communications between department directors and throughout all levels of the organization to focus department efforts on the overall goals and objectives of the board of commissioners.

(3) Assist the board of commissioners with strategic planning and assist with outlining and communicating the board's priorities.

(4) Monitor and evaluate progress toward goals and objectives of the administration and for the administration; provide members of the board of commissioners with information on the status of county initiatives and projects.

(5) Represent the board of commissioners in relationships with various civic or governmental organizations, task forces, boards and commissions.

(6) Serve as the designee of the chairperson during his absence.

(7) At the request of a member of the board of commissioners conduct research, provide information and facilitate communication concerning matters of concern and interest of the members of the board of commissioners.

(b) The chief operating officer shall be appointed by the board of commissioners and shall be directly responsible to them. The chief operating officers compensation shall be fixed by the board of commissioners. The board of commissioners shall have exclusive authority to remove the chief operating officer.

(Code 1978, § 1-3001; Ord. No. 0-2006-19, § 1, 6-27-2006; Ord. No. 0-2009-01, § 1, 1-6-2009; Ord. No. 0-2012-08, § 1, 7-10-2012; Ord. No. O-2024-13, § 3, 9-10-2024)

Editor's note(s)—Ord. No. O-2024-13, § 3, adopted Sept. 10, 2024, amended the title of § 2-61 to read as herein set out. The former § 2-61 title pertained to chief of staff.

Sec. 2-62. County attorney.

(a) The county attorney, or a designee thereof, shall be the legal advisor and representative of the county and in such capacity shall:

(1) Advise any commissioner, the county chairperson or the chief operating officer, when thereby requested, upon all legal questions arising in the conduct of county business;

(2) Prepare or revise ordinances when so requested by any county commissioner, the county chairperson or the chief operating officer and keep the Code of the county up to date and properly indexed;

(3) Give official opinions upon any legal matter or question submitted by majority vote of the board of commissioners;

(4) Unless otherwise requested by the board, attend all meetings of the board of commissioners, in their entirety for the purpose of giving any legal advice requested by its members;

(5) Prepare, or review as to form, all contracts and instruments to which the county is a party and approve, as to form, all bonds required to be submitted to the county;

(6) Prepare, when authorized by the board of commissioners, charges and citations or accusations against, and appear in the magistrate court in the prosecution of persons charged with a violation of the county Code or of any county regulations and see to the full enforcement of all civil judgments or decrees rendered or entered in favor of the county;

(7) Prepare and file any civil suit or action at law or in equity to secure or protect the county's best interest when so ordered by a resolution of the board of commissioners;

(8) Defend any and all suits and actions at law or in equity brought against the county, unless otherwise directed by the board of commissioners;

(9) Make immediate report to the board of commissioners of the outcome of any litigation in which the county has an interest;

(10) Keep complete and accurate records of the following, which records shall remain the property of the county:

a. All suits in which the county had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and

b. All written opinions prepared by the county attorney and all certificates or abstracts of titles furnished by the county attorney to the county, or any department or official thereof; and

(11) Render such other legal services as may be required by the board of commissioners.

(b) No county official or employee, other than the county attorney or a designee thereof, shall make any offers for the county in settlement of any lawsuit or threatened lawsuit in which the county is a named party or in which a majority of the members of the board of commissioners are named parties in their official capacities. Neither shall any county official nor employee provide any voluntary testimony or information, involving any such lawsuit or threatened lawsuit without the prior approval of the county attorney unless such information is a matter of public record.

(c) Unless specifically authorized and otherwise provided by the board of commissioners, no contract or agreement of any kind, including but not limited to leases, deeds, purchases or franchises shall be binding on the county unless the contract or agreement is reduced to writing and approved in advance as to form by the county attorney or a designee thereof. The requirements of this section may be met for form contracts, such as purchase orders, by prior approval of such form by the county attorney or a designee thereof rather than requiring individual approval of each completed form contract.

(d) Unless specifically authorized and otherwise provided by the board of commissioners, no ordinance or resolution of the board of commissioners shall be presented for adoption by the board of commissioners without prior approval as to form by the county attorney or a designee thereof.

(Code 1978, § 1-3002; Ord. No. O-2024-13, § 4, 9-10-2024)

Sec. 2-63. Judicial papers; procedure upon service.

(a) Upon the service of any pleading, complaint, garnishment, summons or any other judicial process upon any appointed or elected official of the county or any of its agents, wherein the interests of the county are at stake in such controversy, the following procedures shall be followed:

(1) The person receiving such summons, complaint, pleading, garnishment or other judicial paper shall promptly deliver the summons, complaint, pleading, garnishment or other judicial paper to the executive assistant of the county. The delivery shall be in person and not later than 24 hours after service. The executive assistant shall maintain a log of such papers and shall record therein the style of the pleading process, the date served, the number and nature of the case and the court in which the case is pending.

(2) The executive assistant shall then within 24 hours hand deliver the judicial process or papers to the county attorney and shall have the county attorney initial the log evidencing such receipt.

(b) Any failure by any elected official or agent of the county to follow the procedures set forth in subsection (a) of this section shall constitute a violation of this Code and such official or agent shall be punished by the magistrate court of the county as provided in section 1-11.

(c) The enforcing officer for this section shall be the county attorney.

(Code 1978, § 1-3003)

Sec. 2-64. Rockdale County Civil Service System.

There shall be a Rockdale County Civil Service System for employees of the county, other than elected officials or persons appointed to positions for specified terms. Said system shall be administered pursuant to such rules and regulations as the board of commissioners may adopt from time to time by ordinance or resolution. Said rules and regulations shall be followed by all county employees except those specifically exempted therein, and said rules and regulations shall remain in full force and effect until changed by amending ordinance of the board of commissioners. Once positions are made subject to the Rockdale County Civil Service System, such positions shall not be removed thereafter from the coverage of the system.

(Ord. No. 0-2006-11, § 2, 3-14-2006)

Sec. 2-65. County clerk.

(a) There is created the position of county clerk. The county clerk shall be the custodian of the official seal of Rockdale County and all records and official documents of the county which are not assigned to the custody of some other official or employee. Without limitation, the clerk shall maintain the following records:

(1) Minutes of all regular and special meetings of the board of commissioners.

(2) Copies of all current ordinances, as required by subsection (d) of this section.

(3) An original, fully executed copy of each contract and other agreement to which the county is a party and which has been approved or ratified by the board of commissioners.

(4) An original or copy of each instrument by which the county receives or conveys an interest in real property.

(5) A current list of all members of commissions, committees, boards and other authorities appointed by the board of commissioners.

(b) On all official documents and instruments executed on behalf of the county, the clerk shall attest the signature of the chairperson or vice-chairperson of the board of commissioners and shall place the official seal of the county thereon. In addition, the clerk shall certify as to the authenticity of copies of the following documents and instruments and shall place the official seal of the county on such certification:

(1) Minutes of any meetings of the board of commissioners.

(2) An ordinance or resolution duly passed by the board of commissioners.

(3) Any contract or agreement to which the county is a party, other than real property instruments recorded in the records of the clerk of superior court.

(c) The clerk shall prepare an agenda for each regular meeting of the board of commissioners. The clerk shall attend each regularly scheduled meeting of the board of commissioners and shall record on the agenda for such meeting the board's action on each agenda item.

(d) The clerk shall maintain a current and complete compilation of the ordinances of the county and shall update such compilation upon each adoption of a new ordinance or amendment of an existing ordinance.

(e) The clerk shall be appointed by the chairperson of the board of commissioners and confirmed by the commission. The clerk's compensation shall be fixed by the board of commissioners.

(Ord. No. 0-2006-19, § 2, 6-27-2006)

Editor's note(s)—Ord. No. 0-2006-19, § 2, adopted June 27, 2006, supplied provisions to be added to the Code as § 2-61. In order to preserve the numbering system of the Code, these provisions have been redesignated as § 2-65 to read as set out herein.

Sec. 2-66. Executive assistant to the chairman.

(a) There is created the position of executive assistant to the chairman. The executive assistant to the chairman shall be the chief administrative aide to the chairman and shall be responsible to the chairman for the proper administration of the affairs of the county at the direction of the chairman.

(b) The executive assistant to the chairman shall be appointed by the chairman and confirmed by the board of commissioners. The executive assistant to the chairman's compensation shall be fixed by the board of commissioners.

(Ord. No. O-2017-02, § 1, 2-14-2017)

Secs. 2-67—2-90. Reserved.

### ARTICLE IV. DEPARTMENTS AND AGENCIES[[4]](#footnote-4)

Sec. 2-91. State-established departments and agencies.

The county departments and agencies established by general state law are:

(1) Health department;

(2) Department of family and children services;

(3) Adult probation agency; and

(4) Juvenile agency.

(Code 1978, § 1-5001)

Sec. 2-92. Department of transportation.

This department shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, the supervision and control of the department is vested in the director. Said department shall be responsible for traffic engineering, roads and drainage and the sign shop.

(Code 1978, §§ 1-5002, 1-5011; Ord. No. 1997-16, § 1, 10-14-1997; Ord. No. 2009-05, § 1, 3-10-2009; Ord. No. 0-2010-18, § 1, 12-14-2010)

Sec. 2-93. Department of fire rescue.

(a) A department of fire and rescue is hereby created for the county. The department of fire and rescue shall be composed of a fire chief and any other employees as may be necessary. Subject to the direction of the county chairperson, the supervision and control of the department of fire and rescue is vested in the fire chief.

(b) The previous department of emergency services shall continue to be known as the department of fire rescue.

(c) All references in the Code of Ordinances, wherever and in whatever context they may occur, to the emergency services department is hereby amended to read "department of fire rescue."

(d) The functions of performing the services of fire prevention and protection shall continue to be assigned to and/or performed by the department under its new department designation "the department of fire rescue".

(e) All employees of the department of fire rescue shall continue their assignment to the department of fire and rescue, with the exception of communications (E911).

(Ord. No. 2021-16, § 1, 5-11-2021; Ord. No. O-2024-13, § 5, 9-10-2024)

Editor's note(s)—Ord. No. 2021-16, § 1, adopted May 11, 2021, repealed the former § 2-93, and enacted a new § 2-93 as set out herein. The former § 2-93 pertained to emergency services and derived from Code 1978, § 1-5003; Ord. No. 2009-05, § 2, adopted March 10, 2009; Ord. No. 2015-04, § 1, adopted April 14, 2015.

Cross reference(s)—Fire prevention and protection, ch. 46.

State constitution reference(s)—Supplementary powers as to fire protection, Ga. Const. art. IX, § II, ¶ III(a)(1).

Sec. 2-94. Department of general services.

(a) A department of general services is hereby created for the county. The department of general services shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson. supervision and control of the department of general services is vested in the director.

(b) This department shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, the supervision and control of the department is vested in the director.

(c) Said department shall be responsible for capital and community improvements; building and maintenance; solid waste and recycling administration, disposal, and operations; fleet maintenance and shop; and other matters as assigned by the county chairperson.

(Ord. No. 2021-16, § 2, 5-11-2021; Ord. No. 2021-24, § 2, 7-27-2021; Ord. No. O-2024-13, § 6, 9-10-2024)

Editor's note(s)—Ord. No. 2021-16, § 2, adopted May 11, 2021, repealed the former § 2-94, and enacted a new § 2-94 as set out herein. The former § 2-94 pertained to department of recreation and maintenance and derived from Code 1978, § 1-5004; Ord. No. 2009-05, § 3, adopted March 10, 2009; Ord. No. 0-2010-18, § 4, adopted Dec. 14, 2010; Ord. No. 2015-04, § 2, adopted April 14, 2015.

Sec. 2-95. Department of planning and development.

The department [of planning and development] shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, the supervision and control of the department is vested in the director. Said department shall be responsible for duties as defined in the unified development ordinance (subpart B of the Code of Rockdale County, Georgia) such as, but not limited to, planning, zoning, business and development relations, permits and licenses, forestry, building and development inspections and code enforcement.

(Ord. No. 0-2010-18, § 2, 12-14-2010; Ord. No. O-2024-13, § 7, 9-10-2024)

Sec. 2-96. Reserved.

Editor's note(s)—Ord. No. O-2024-13, § 8, adopted Sept. 10, 2024, repealed § 2-96, which pertained to law department and derived from Code 1978, § 1-5006.

Sec. 2-97. Department of finance.

A department of finance is hereby created for the county. The department of finance shall be composed of a chief financial officer and any other employees as may be necessary. Subject to the direction of the county chairperson, the supervision and control of the department of finance is vested in the chief financial officer. All references in the Code, whenever and in whatever context they may occur, to the director of finance are hereby amended to read "chief financial officer."

(Code 1978, § 1-5007; Ord. No. O-2024-13, § 9, 9-10-2024)

Sec. 2-98. Department of parks and recreation.

(a) This department shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, the supervision and control of the department is vested in the director.

(b) Said department shall be responsible for recreation, parks, arts and culture, Costley Mill, Tennis Center, senior services, and other matters as assigned by the county chairperson.

(Ord. No. 2021-24, § 1, 7-27-2021)

Sec. 2-99. Department of water resources.

(a) A department of water resources is hereby created for the county. The department of water resources shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, supervision and control of the department of water resources is vested in the director.

(b) All references in the Code or ordinances, wherever and in whatever context they may occur, to the "water department" or "water and wastewater department" are hereby amended to read "department of water resources."

(c) All functions of the county's government previously assigned to and/or performed by the water department or water and wastewater department are hereby transferred to the department of water resources, and all employees of the department herein abolished are deemed to be employees of the department of water resources with effect from the date of adoption of the ordinance from which this section is derived.

(d) All references in the Code, whenever and in whatever context they may occur, to the director of the water department or water and wastewater department are hereby amended to read "director of the department of water resources."

(Code 1978, § 1-5009; Ord. No. 1997-16, § 4, 10-14-1997)

Sec. 2-100. Emergency management agency.

(a) An emergency management agency is hereby created for the county. The emergency management agency shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, supervision and control of the emergency management agency is vested in the director.

(b) All references in the Code or ordinances, wherever and in whatever context they may occur, to the "civil defense agency" are hereby amended to read "emergency management agency."

(c) All functions of the county's government previously assigned to and/or performed by the civil defense agency are hereby transferred to the emergency management agency, and all employees of the department herein abolished are deemed to be employees of the emergency management agency with effect from the date of adoption of the ordinance from which this section is derived.

(d) All references in the Code, whenever and in whatever context they may occur, to the director of the civil defense agency are hereby amended to read "director of the emergency management agency."

(e) Section 2-100 of article IV, chapter 2, part II of the Rockdale County Code of Ordinances, as amended, is hereby amended to assign the functions of animal care and control, which shall hereby be known as animal services, and communications (E911) to the emergency management agency. All functions of the county's government previously assigned to and/or performed by these divisions are hereby assigned to the emergency management agency. All of the employees of the county currently serving as employees of the division of animal services and communications (E911) shall be assigned to the emergency management agency effective as of the effective date of [the ordinance from which this subsection (e) derives.]

(Code 1978, § 1-5010; Ord. No. 1997-16, § 5, 10-14-1997; Ord. No. 2021-16, § 3, 5-11-2021)

Sec. 2-101. Department of human resources.

(a) A department of human resources is hereby created for the county. The department of human resources shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, supervision and control of the department of human resources is vested in the director.

(b) All references in the Code or ordinances, wherever and in whatever context they may occur, to the "department of human resources" are hereby amended to read "department of human resources."

(c) All functions of the county's government previously assigned to and/or performed by the department of human resources are hereby transferred to the department of human resources, and all employees of the department herein abolished are deemed to be employees of the department of human resources with effect from the date of adoption of the ordinance from which this section is derived.

(d) All references in the Code, whenever and in whatever context they may occur, to the director of the human resources are hereby amended to read "director of the department of human resources."

(Code 1978, § 1-5012; Ord. No. 1997-16, § 6, 10-14-1997; Ord. No. 2017-14, § 1, 6-13-2017; Ord. No. O-2024-13, § 10, 9-10-2024; Ord. No. O-2025-02, §§ 1, 2, 2-25-2025)

Editor's note(s)—Ord. No. O-2025-02, § 1, adopted Feb. 25, 2025, amended the title of § 2-101 to read as herein set out. The former § 2-101 title pertained to department of talent management.

Cross reference(s)—Department of human resources, ch. 58.

Sec. 2-102. Reserved.

Editor's note(s)—Ord. No. 2009-05, § 7, adopted Mar. 10, 2009, deleted § 2-102 in its entirety. Former § 2-102 pertained to communications department services and derived from Code 1978, § 1-5013.

Sec. 2-103. Department of technology services.

A department of technology services is hereby created for the county. The department of technology services shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, supervision and control of the department of technology services is vested in the director.

(Ord. No. 0-1997-21, § 1, 12-19-1997; Ord. No. 2018-02, § 1, 3-27-2018)

Sec. 2-104. Reserved.

Sec. 2-105. Department of public relations.

(a) The existing department of community affairs and innovative programs is hereby renamed the department of public relations.

(b) All references in the Code of Ordinances, wherever and in whatever context they may occur, to the department of community affairs and innovative programs is hereby amended to read "department of public relations."

(c) The functions of performing the services of the department of community affairs and innovative programs shall continue to be assigned to and/or performed by the department under its new department designation "the department of public relations".

(d) All functions of the county's government previously assigned to and/or performed by the director of community affairs and innovative programs are hereby assigned to the newly designated public information officer and communications director.

(e) All employees of the department of community affairs and innovative programs shall be assigned to the department public relations.

(Ord. No. 0-2005-30, § 1, 12-13-2005; Ord. No. 0-2010-18, § 3, 12-14-2010; Ord. No. 0-2017-03, § 1, 3-14-2017)

Editor's note(s)—Ord. No. 2017-03, § 1, adopted March 14, 2017, renamed § 2-105 to read as herein set out. Former § 2-105, was entitled "Department of community relations and innovative programs."

Sec. 2-106. Reserved.

Editor's note(s)—Ord. No. 2009-05, § 4, adopted Mar. 10, 2009, deleted § 2-106 in its entirety. Former § 2-106 pertained to department of geographic information systems and derived from Ord. No. 0-2005-31, § 1, adopted Dec. 13, 2005.

Sec. 2-107. Department of stormwater.

A department of stormwater is hereby created for the county. The department of storm water shall be composed of a director and any other employees as may be deemed necessary. Subject to the direction of the county chairperson, supervision and control of the department of stormwater is vested in the director.

(Ord. No. O-2024-13, § 11, 9-10-2024)

Secs. 2-108—2-130. Reserved.

### ARTICLE V. BOARDS, COMMISSIONS AND AUTHORITIES[[5]](#footnote-5)

Sec. 2-131. State-established boards, commissions and authorities.

The county boards, commissions and authorities established by general state law and activated in the county are:

(1) Board of family and children services;

(2) Hospital authority;

(3) Board of health;

(4) Board of tax assessors;

(5) Board of equalization;

(6) Board of jury commissioners;

(7) Board of registrars; and

(8) County development authority.

(Code 1978, § 1-5021)

State law reference(s)—County voter registrars, O.C.G.A. § 21-2-212; county boards of health, O.C.G.A. § 31-3-1 et seq.; county and municipal hospital authorities, O.C.G.A. § 31-7-70 et seq.; development authorities, O.C.G.A. § 36-62-1 et seq.; county boards of tax assessors, O.C.G.A. § 48-5-290; county boards of equalization, O.C.G.A. § 48-5-311; county and district departments, boards and directors of family and children services, O.C.G.A. § 49-3-1 et seq.

Sec. 2-132. Medical review board.

(a) There is hereby established a medical review board for assisted clients to review cases and procedures for handling cases of indigent patients financially assisted by the county for medical care and to otherwise advise the county chairperson and board of commissioners on indigent patient care.

(b) The medical review board shall be composed of five members appointed by the board of commissioners to serve for one year from December 31 or until a successor is appointed and qualified.

(c) The medical review board members shall serve without pay but shall be paid from county funds their actual and necessary expenses in the performance of their duties.

(d) If for any reason a vacancy occurs, the board of commissioners may appoint a new member of the medical review board for the remainder of the term.

(Code 1978, § 1-5022)

State law reference(s)—Supervision and support of paupers, O.C.G.A. § 36-12-1 et seq.

Sec. 2-133. Board of zoning appeals.

The county board of adjustment is hereby established. The board of adjustment shall consist of five members appointed and serving pursuant to the provisions of subsection 237-7(b) of the UDO. The powers and duties, officers, meetings, quorum and voting, and other matters governing the board of adjustment shall be as set forth in section 238-7 of the UDO.

(Code 1978, § 1-5023; Ord. No. 0-2006-32, § 4, 11-28-2006; Ord. No. 0-2015-09, § I, 10-13-2015)

Sec. 2-134. Reserved.

Editor's note(s)—Ord. No. 2017-35, § 1, adopted December 12, 2017, repealed § 2-134, which pertained to parks and recreation commission and derived from Code 1978, § 1-5024; Ord. No. 0-1999-16, § I, 8-10-1999; Ord. No. 2005-26, § 1, 11-8-2005; Ord. No. 0-2010-18, § 4, 12-14-2010.

Sec. 2-135. Planning commission.

(a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context indicates a different meaning:

*City* means the City of Conyers, Georgia.

*Planning commission* means the Rockdale County Planning Commission.

(b) *Composition.* The planning commission shall consist of five members.

(c) *Appointment.* The members of the planning commission shall be residents of Rockdale County and shall be appointed by the county commissioners.

(d) *Terms.*

(1) Three of the members initially appointed to serve on the planning commission shall serve for a term of three years each, and the other two members initially appointed to serve on the planning commission shall serve a term of four years each. Thereafter, each person appointed to serve on the planning commission shall serve for a term of four years each, the intent being to have staggered terms for membership on the planning commission. Each person appointed to be on the planning commission shall serve for the term the member was appointed for unless the person dies, resigns, or is otherwise disqualified from serving or removed from said position.

(2) No member of the planning commission will be eligible for more than two consecutive terms.

(3) Appointments shall expire on July 1 in the last year of the term.

(e) *Filling vacancies.* Any vacancy occurring in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment.

(f) *Compensation.* All members of the planning commission shall serve without compensation but may be reimbursed for expenses, as outlined in a resolution adopted by the county, incurred in connection with their official duties.

(g) *Officers.* The planning commission shall elect its chairperson from among its members, the term to be one year with eligibility for reelection. The director of the department of planning and development shall designate a secretary from the said department.

(h) *Procedures, meetings.* The planning commission shall make its own rules of procedure and determine its time of meeting. Such rules shall be subject to the approval of the county board of commissioners. Except as provided in O.C.G.A. § 50-14-3, all meetings of the planning commission should be open to the public, and all records of the planning commission shall be public record.

(i) *Staff.* The planning commission may work with the state department of community affairs and other consultants for such services as it may require.

(j) *Finances.* The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the board of commissioners.

(k) *Powers and duties.* From and after the time when the planning commission shall have organized and selected its officers, the planning commission shall have the powers, duties and responsibilities to conduct public hearings, request and receive studies and reports from staff, review and make recommendations to the board of commissioners concerning matters brought before them, review and take action on, as appropriate, subdivision plats, and perform those duties and functions outlined in the UDO.

(Code 1978, § 1-5025; Ord. No. 0-2006-32, § 5, 11-28-2006; Ord. No. O-2025-08, § I, 4-8-2025)

Sec. 2-136. Library board of trustees.

There is hereby established a city-county library board of trustees. The number of trustees, their terms of office, and manner of appointment shall be provided by agreement with any and all participants therein.

(Code 1978, § 1-5026)

Sec. 2-137. Board of tax assessors; number and term.

There shall be three members of the board of tax assessors, each of whom shall serve six-year terms and shall be appointed as provided by state law.

(Code 1978, § 1-5027)

Cross reference(s)—Taxation, ch. 86.

Sec. 2-138. Animal control board.

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

*City* means the City of Conyers, Georgia.

(b) *Board created.* There is hereby created an animal control board pursuant to O.C.G.A. § 4-8-22(d) of the Dangerous Dog Control Law (O.C.G.A. § 4-8-20 et seq.).

(c) *Appointment.* Four members of the animal control board shall be residents of the unincorporated areas of the county appointed by the board of commissioners. One member of the animal control board shall be a resident of the city appointed by the city council.

(d) *Terms.* The members of the animal control board shall hold their respective office from July 1 following their appointment. The members of the animal control board shall serve for overlapping terms of three years each.

(e) *Officers.* The animal control board shall elect one of its members as presiding officer, who shall serve for one year or until reelected or a successor is elected and qualified. The animal control board shall appoint a secretary, who may be a county official.

(f) *Meetings.* Meetings of the animal control board shall be held at the call of the presiding officer and at other times as the board may determine. The presiding officer of the animal control board, or a member elected to preside in his absence, may administer oaths and compel the attendance of witnesses. Except as provided in O.C.G.A. § 50-14-3, all meetings of the animal control board shall be open to the public.

(g) *Minutes.* The animal control board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the animal control board and shall be a public record.

(Code 1978, § 1-5028)

Cross reference(s)—Animals, ch. 18.

Secs. 2-139—2-170. Reserved.

### ARTICLE VI. FINANCE[[6]](#footnote-6)

#### DIVISION 1. GENERALLY

Sec. 2-171. Travel expenses and reimbursement.

(a) This section shall be considered a part of a limitation on each annual county budget and appropriations, and no county budget and appropriations, and no county funds appropriated for travel shall be encumbered or spent in violation of this section.

(b) All county officials and employees shall be entitled to reimbursement of any travel expenses personally incurred while on county business provided that such travel expenses are provided for in the county budget and appropriations and the terms and conditions of this section are fulfilled.

(c) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

*Authorized travel* means the elected official, director, deputy director or department head shall be authorized to approve or disapprove all travel-related requests.

*Authorized travel* means travel approved by the authorizing party.

*Business travel* means travel for the purpose of conducting official county business.

*Metro-Atlanta area* means includes the counties of Cobb, Douglas, Fayette, Fulton, Gwinnett, DeKalb, Clayton, Rockdale, Henry, Newton and Walton.

*Professional/educational travel* means travel for the purpose of attending meetings, conferences and training programs for professional growth and development as well as for the mutual benefit of the county.

*Requesting party* means any individual who will be reimbursed for those costs incurred while conducting business travel and/or professional/educational travel.

*Travel-related expenses* means expenses incurred for mileage, meals and lodging during professional/educational travel.

*Travel expense statement* means a form used to authorize payment for the reimbursement of professional/educational travel-related expenses.

*Mileage report statement* means a form used to authorize payment for the reimbursement of mileage incurred by use of employee's personal vehicle.

(d) *Guidelines.*

(1) Decisions as to which travel is authorized begin with the budgetary process. Travel needs must be anticipated and submitted in the budget each year for approval by the board of commissioners.

(2) The authorizing party's responsibility is to stay within his budget's travel allocation as approved by the board of commissioners.

(3) Prior to approving a travel request, the authorizing party is responsible for determining that a sufficient unexpended/unencumbered appropriation remains in the travel budget to reimburse and cover all expected costs of the travel.

(4) Requests for travel, travel advances, and actual expense reimbursement should be authorized as follows:

|  |  |
| --- | --- |
| Requesting Party | Authorizing Party |
| Employees of elected officials, other than members of the board of commissioners | Elected county official or a designee thereof |
| Any member of the board of commissioners | Board of commissioners through adoption of an annual operating budget |
| County department heads and other county officials | Chairman of the board of commissioners |
| Employees of county department heads and other county officials | County department head, county official |

(5) Personal items, alcoholic beverages and expenses of family members are not authorized. Travel expense statement must be prepared to reflect only actual expenses essential to the conduct of county business.

(e) *Professional/educational travel reimbursement.* Reimbursement shall be made for actual expenses incurred for conventions, seminars, or other registration fees; reasonable expenses incurred at meetings related to official county business; transportation to destination and return or mileage, single occupancy lodging and automobile rental or taxicab expense when overnight lodging is required; and incidentals. Employees and officials of the county are expected to spend funds prudently.

(f) *Authorized meal expense reimbursement.*

(1) Name and affiliation of the person(s) for whom the meal was purchased must be provided.

(2) The purpose of the business discussion must be provided.

a. Under no circumstances shall the explanation 'business discussion or working lunch' be allowed. The requesting party must make reference to the specific topic/project discussed.

(3) Rates can be accessed on the GSA government website (GSA Per Diem Rates). Rates are set by fiscal year effective October 1 each year.

a. The per diem allowance includes expenses for breakfast, lunch, dinner, and incidental expenses. Rates may vary depending on the location and category of travel, please refer to GSA website for updates.

b. The county will provide a breakdown of daily meal allowances based on the GSA rates.

1. M&IE total - the full daily amount received for a single calendar day of travel when that day is neither the first nor last day of travel.

2. M&IE total = Breakfast + Lunch + Dinner + Incidentals.

3. Breakfast, lunch, dinner, incidentals - Separate amounts for meals and incidentals.

4. First and last day of travel - Amount allowed on the first and last day of travel will equal 75 percent of total M&IE.

(4) Under no circumstances shall expenses accrue as a result of a business meal include costs otherwise prohibited under the terms of this section.

(g) *Lodging.*

(1) Lodging shall be allowed for official county business. Reimbursements or allowance shall be made for expenses incurred for lodging as follows:

a. The purpose of the meeting is to conduct official county business or to provide formal training to county employees or county officials.

b. The lodging is an integral part of the meeting or training session.

1. The meeting or training session takes place away from the employee's or official's regular workplace.

2. Elected official, department head or their designee approve payment in advance for the lodging.

3. Employees are responsible for obtaining all tax- exempt certificates prior to travel. The certificates are to be presented to the hotel/motel at the time of check in.

(h) *Travel.*

(1) Air, rail and bus fare:

a. Receipts are required for reimbursement of transportation costs.

b. Transportation reservations shall be obtained at the most economical rate available.

(2) Personal vehicles:

a. Any county officials and employees who are required or authorized to use their private automobiles in the performance of their official duties shall be allowed a reimbursement equal to the standard mileage rate allowed per the travel per diem and mileage policy.

b. All mileage payments are for each mile of necessary travel, provided that:

1. Reimbursement for mileage shall not exceed the round-trip coach airfare of a common carrier; and

2. Reimbursement for mileage shall be prohibited for travel by county officials or employees between their usual place of residence and their usual place of work. Parking expenses may be claimed under the category of incidentals.

3. Requested mileage reimbursement must be supported by odometer readings.

4. Employees who use their personal vehicles on county business and request mileage reimbursement must prepare a mileage reimbursement statement on at least a monthly basis.

(3) Rental cars:

a. A rental car may be used when it is determined that no other mode of transportation is as economical or practical, i.e. taxi, subway.

b. Rentals shall be limited to "mid-size" autos with standard accessories unless special circumstances dictate a larger vehicle.

c. Rentals shall be covered by appropriate insurance as required by applicable state law.

d. All county policies/procedures governing the use of vehicles shall apply to rentals.

e. Receipts are required for the reimbursement of any rental car costs, including gas.

(i) *Local ground transportation.*

(1) Local transportation costs incurred while on out-of-town business will be reimbursed if applicable.

(2) Receipts for the above services must be obtained and provided to support reimbursement.

(j) *Approval of expense reimbursement.* Upon returning from an authorized trip, the requesting party shall present to the authorizing party a complete itemization of all weekly trip expenses on a travel expense statement

(1) The authorizing party shall forward the travel expense statement to the department of finance within five working days of receipt.

(2) Gas, oil, and emergency repairs on county vehicles will be reimbursed when supported by receipts.

(3) No claim for reimbursement for travel expenses shall be paid unless approved by the authorizing party.

(k) *Expenses for which reimbursement is not available.*

(1) Fines, penalties, and/or forfeitures.

(2) Tobacco, alcoholic beverages or other personal items.

(3) Meals or lodging in lieu of other meals and/or lodging the expense of which is included in a convention or other registration fee.

(4) Meals or other expenses for persons not employed by the County, except as provided.

(5) Any unreasonable or unnecessary expense which may be otherwise permitted under this chapter as determined by the appropriate authorizing party or elected official or designee.

(l) *Penalty for false submissions.* Any person who knowingly approves or pays or causes to be approved or paid a false or untrue claim shall be punishable and civilly liable there under.

(m) *Advance allowances—Authorization.* Officials and employees of the county may receive advance cash allowances covering anticipated, reimbursable expenses to be incurred in the course of all authorized travel on county business. Such advance allowances shall be made upon the prior request of such officials and employees when approved by the appropriate department head where the nature and duration of travel justify such advance or where the failure to make such advance would result in economic inconvenience to such official or employee. Requests for such advances shall be made on a request for travel expense statement.

(n) *Advance allowances—Accounting, repayment, and liability for failure to repay.* Travel advances shall be accounted for by submission of a proper claim and any excess repaid following the completion of travel, and failure to do so shall render the official or employee receiving such advance personally liable for the full unpaid amount and the county shall thereupon have a prior lien against and a right to withhold all funds payable or to become payable by the county to such official or employee. No advance shall be made to any official or employee who is delinquent in accounting for or repaying a prior advance. Under no circumstances shall any advance be considered as a personal loan to any official or employee and any unauthorized expenditure of any such advance shall be deemed a misappropriation of public funds.

(Ord. No. 0-2002-23, §§ 1, 2, 6-21-2001; Ord. No. 0-2014-01, § 1, 3-11-2014; Ord. No. 2024-12, §§ 1, 2, 8-27-2024)

Secs. 2-172—2-190. Reserved.

#### DIVISION 2. BONDS; LOANS

Sec. 2-191. General obligation bonds.

The board of commissioners shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this code or general state law. This bond authority shall be exercised in accordance with the state laws governing bond issuances by counties in effect at the time the issue is undertaken.

(Code 1978, § 3-3001)

Sec. 2-192. Revenue bonds.

Revenue bonds may be issued by the board of commissioners as state law now or hereafter provides. These bonds are to be paid out of any revenue produced by the project, program or venture for which they are issued.

(Code 1978, § 3-3002)

Sec. 2-193. Shortterm notes.

The county must repay any shortterm loans during the calendar year obtained or as otherwise provided by present or future state law.

(Code 1978, § 3-3003)

Secs. 2-194—2-210. Reserved.

#### DIVISION 3. PURCHASING

Sec. 2-211. Purpose.

The purpose of this division shall be:

(1) To seek lower costs, better quality and purchase terms for acquisition of goods and services for the county by:

a. Seeking standardization of purchasing procedures and processes;

b. Encouraging the reduction and eventual elimination of small orders and emergency purchases;

c. Encouraging advanced planning;

d. Reducing paperwork through combined purchases;

e. Encouraging competitive purchasing; and

f. Encouraging cooperative, intergovernmental purchasing by departments.

(2) To provide budget control and ensure the financial stability of the county.

(3) To ensure that the greatest value is received for the tax dollar expended.

(Code 1978, § 3-5001)

Sec. 2-212. Definitions.

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

*Emergency purchases* means those purchases made necessary by situations which could not be anticipated by the department or elected official, usually involving life-threatening circumstances or risks of injury, or resulting in work stoppages, undue delay or occurring during nonbusiness hours when the ordinary purchase procedures cannot be followed.

*Equipment* means automotive equipment, machinery, construction contracts or other items of a permanent or semipermanent nature, both real and personal.

*Materials and supplies* means such items as are normally used or consumed during the current year, and for which a general appropriation has been made.

*Purchasing office* means the office designated and maintained pursuant to this Code and the board of commissioners.

(Code 1978, §§ 3-5002, 3-5005(a))

Cross reference(s)—Definitions generally, § 1-2.

Sec. 2-213. Purchases through purchasing office only; exceptions.

No officer or employee of the county shall purchase for or on behalf of the county any materials or supplies, goods, wares or merchandise of any kind or character or make any contract for materials or supplies or equipment or for services except through the purchasing office. Purchases contrary to this method shall be deemed unauthorized purchases. The county will not be responsible for the payment of any bills submitted for unauthorized purchases. It shall be considered a breach of duty on the part of any officer or employee of the county to make any purchase, or aid and abet the making of any purchase in any other manner than through the purchasing office; however, this section shall not apply to the provision of medical services for prisoners under the care of the sheriff's department or for emergency purchases as defined in section 2-212.

(Code 1978, § 3-5003)

Sec. 2-214. Purchase orders required; exceptions.

No officer or employee of the county shall request any merchant, dealer or other vendor to deliver goods to the county except on a purchase order from the purchasing office, except in the case of the provision of medical services for prisoners under the care of the sheriff's department or for emergency purchases as defined in section 2-212.

(Code 1978, § 3-5004)

Sec. 2-215. Emergency purchases.

(a) Negligence on the part of the department head or elected official to plan properly is not justification for an emergency purchase.

(b) If an emergency requiring a purchase occurs during business hours, the department head or elected official shall contact the purchasing office and obtain an emergency purchase order number. The item sought may then be acquired using that number. The emergency purchase order number will be stated to the vendor as evidence that the purchase has been approved, and that number shall be noted on any vendor invoice for the item receiving emergency approval. If the emergency occurs during nonbusiness hours, the department head or elected official shall make the purchase and, immediately upon the resolution of the emergency, a requisition shall be prepared stating the nature of the emergency. The requisition shall be forwarded to the purchase office on the next business day. The requisition shall be accompanied by the purchase receipt and a memorandum from the department head or elected official setting forth the details of the emergency.

(Code 1978, § 3-5005)

Sec. 2-216. Open market purchases.

Except in cases of emergency, no order shall be issued for the delivery on a contract or open market purchases until it has been determined that there exists a sufficient unencumbered appropriation balance for the budget line item to be charged.

(Code 1978, § 3-5006)

Sec. 2-217. Purchasing procedures.

Unless otherwise provided by law, all provisions for purchasing materials, supplies, service or equipment to be paid for from county funds shall be contained in either this Code or in the policy for purchasing procedures for the county, which document is fully incorporated herein by reference, copies of which are available to the public in the purchasing office of the board of commissioners.

(Code 1978, § 3-5007; Ord. No. 1998-3, § I, 2-24-1998)

Sec. 2-218. Approved vendors.

(a) The purchasing office shall maintain a file of all qualified vendors who desire to do business with the county, which file shall be maintained according to the nature of goods and materials offered and shall contain a description of the vendors' goods and services.

(b) Purchases on behalf of the county shall be made only from the list of approved vendors.

(Code 1978, § 3-5008)

Sec. 2-219. Discretion for certain purchases.

The purchasing office shall exercise discretion in making purchases where quality as well as price and service are factors for consideration. In circumstances in which brand name items are requisitioned by any department or official, the purchasing office has the authority to determine whether similar products of equal quality are available to the county at a lower price. If so, such products shall be ordered in lieu of the brand name items.

(Code 1978, § 3-5009)

Sec. 2-220. Cooperative purchasing.

The purchasing office shall have the authority to join with other governmental units in cooperative purchasing plans when the best interests of the county would be serviced thereby.

(Code 1978, § 3-5010)

Sec. 2-221. Equal business opportunity program.

(a) As used in this section:

(1) The term "contracting authority" means any board, commission, body, or subdivisions of Rockdale County that exercises any authority to award a contract through a formal bidding process.

(2) The term "historically underutilized businesses" means a firm that is an independent and continuing enterprise for profit:

a. In which at least 51 percent is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least 51 percent of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and

b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

(3) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:

a. Black, that is, a person having origins in any of the black racial groups in Africa;

b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;

c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, or the Pacific Islands;

d. Native American, that is, a person having origins in any of the original Indian peoples of North America; or

e. Female.

(4) The term "socially and economically disadvantaged individual" means a person who is a citizen or lawful permanent resident of the United Stated and who is:

a. A veteran of the armed forces of the United States;

b. Physically or mentally disabled in a manner that substantially limits one or more of the major life activities of a person; or

c. Capable of demonstrating some other form of economic or social disadvantage, as articulated in 13 CFR § 124.104.

(5) The term "small business enterprises" means a firm that is an independent and continuing enterprise for profit for which the gross revenues or number of employees, inclusive of any affiliates as defined by 13 CFR 121.103, does not exceed the size standard for its industry as defined by 13 CFR 121.201 (as further explained in 13 CFR 121.104 through 121.107), and is certified as such.

(b) It is the policy of Rockdale County to encourage maximization of contracting opportunities with historically underutilized businesses.

(c) All contracting authorities shall strive to maximize contracting opportunities with historically underutilized businesses. Where feasible, preference should be given to such businesses that are in Rockdale County or that employ a majority of their workforce in Rockdale County.

(d) All contracting authorities shall establish prior to solicitation of bids for any project totaling $100,000.00 or more, the good faith efforts that it will take to make it feasible for historically underutilized businesses to submit successful bids or proposals for the contract. Each first-tier subcontractor shall comply with the requirements applicable to contractors under this subsection.

(e) Each bidder for a contract from a contracting authority shall identify on its bid the historically underutilized businesses that it will use in fulfilling the contract and an affidavit listing the good faith efforts it has made pursuant to subsection (g) of this section and the total dollar value of the bid that will be performed by the historically underutilized businesses. A contractor that performs all the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

(1) Within the time specified in the bid documents, either:

a. An affidavit that includes a description of the portion of work to be executed by historically underutilized businesses, expressed as a percentage of the total contract price, which is equal to, or more than the applicable goal of contracts being awarded to historically underutilized businesses annually, as set in Section III of the accompanying policy and procedures document [to the ordinance from which this section is derived]. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith or effort; or

b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

(2) Within 30 days after awarding the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

(f) No subcontractor who is identified and listed pursuant to subsection (e) of this section may be replaced with a different subcontractor except:

(1) If the subcontractor's bid is later determined by the contractor to be nonresponsible or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or

(2) With the approval of the contracting authority for good cause.

(g) Before awarding a contract, the contracting authority shall do the following:

(1) Develop and implement a historically underutilized business participation outreach plan to identify historically underutilized businesses that can perform necessary services and to implement outreach efforts to encourage historically underutilized business participation in these projects.

(2) At least ten days prior to the scheduled day of bid opening, notify historically underutilized businesses that have requested notices from the contracting authority and historically underutilized businesses that otherwise indicated to the county an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include the following:

a. A description of the work for which the bid is being solicited.

b. The date, time, and location where bids are to be submitted.

c. The name of the individual within the public entity who will be available to answer questions about the project.

d. Where bid documents may be reviewed.

e. Any special requirements that may exist.

(3) Utilize other media, as appropriate, likely to inform potential historically underutilized businesses of the bid being sought.

(h) The contracting authority may designate certain procurement projects or contracts as available for bid and award only to certified small business enterprises. The small business reserve designation for a particular project is discretionary on the part of the contracting authority and should be applied only where there is a reasonable expectation that there will be at least three responsible and responsive bids for certified small business enterprises and that the award will be made at a fair market price/value. To obtain a small business reserve program project, the bidding small business enterprise must self-perform a significant percentage of the contracted work (a minimum of 50 percent).

(i) All contracting authorities shall award contracts without regard to race, religion, color, creed, national origin, sex, age, or disability status. Nothing in this section shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from historically underutilized business who do not submit the lowest responsible, responsive bid or bids.

(j) Each contracting authority shall submit to the board an annual report demonstrating compliance with this Code section.

(k) Nothing herein shall apply to any contracts solicited or awarded before the passage of this Code section.

(l) For any projects involving the use of federal funds, no term of this section shall apply if it conflicts with the requirements imposed under federal law for that project.

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

(n) The terms of this section shall expire five years from the date of its enactment if not renewed by the Rockdale County Board of Commissioners.

(Ord. No. O-2023-29, 12-12-2023; Ord. No. 2024-11, 8-27-2024)

Secs. 2-222—2-239. Reserved.

#### DIVISION 4. COUNTY ISSUED GOVERNMENT PURCHASING AND CREDIT CARDS

Sec. 2-240. Intent and scope.

This division is intended to comply with the policy requirements of O.C.G.A. § 36-80-24 regarding the use of County issued government purchasing cards and credit cards.

(Ord. No. 0-2015-10, § 2, 11-24-2015)

Sec. 2-241. Definitions.

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

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

*Cardholder* means the authorized elected official who is issued and is the holder of a county issued government purchasing card and/or credit card.

*County* means the Rockdale County Board of Commissioners.

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

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

*Purchasing card administrator* means the purchasing card and/or credit card administrator designated by the Rockdale County Board of Commissioners.

*Purchasing card user's manual* means the official policy and procedures for the use and issuance of county purchasing cards.

*User agreement* means the required written agreement between the board of commissioners and the authorized elected officials which sets forth the authorized and unauthorized uses of a county purchasing card and/or credit card.

(Ord. No. 0-2015-10, § 3, 11-24-2015)

Sec. 2-242. Designated elected officials.

The Rockdale County Board of Commissioners, in its discretion, may authorize specific county elected officials to use a county purchasing card or credit card by adoption of a resolution in a public meeting.

No authorized elected official may use a county purchasing card and/or credit card until and unless he or she has executed the user agreement. The county will not make payments to any business organization, financial institution, or any duly authorized agent of such organization or institution, for amounts charged by an elected official to any purchasing cards and/or credit cards that are not issued pursuant to this ordinance or for any purchases that are not authorized by this division.

(Ord. No. 0-2015-10, § 4, 11-24-2015)

Sec. 2-243. Purchasing card administrator.

The finance director or their designee shall serve as the county purchasing card administrator. The responsibilities of the purchasing card administrator include:

(1) Manage county issued purchasing cards and/or credit cards.

(2) Serve as the main point of contact for all county purchasing card and/or credit card issues.

(3) Serve as liaison to the elected officials authorized to use a purchasing card and/or credit card and their staff, as well as to the issuer of the purchasing card and/or credit card.

(4) Provide training on card policies and procedures to the elected officials authorized to use a purchasing card or credit card and their staff.

(5) Develop internal procedures to ensure timely payment of cards.

(6) Assist authorized elected officials to dispute transactions when necessary.

(7) Establish internal procedures to ensure compliance with this ordinance, county procurement ordinances and policies, county purchasing card and credit card user agreements, applicable agreements with the business organization, financial institution, or any duly authorized agent of such organization or institution, issuing card, and state law, specifically, O.C.G.A. §§ 16-9-37 and 36-80-24.

(8) Document internal controls, audits and other measures to prevent and detect misuse or abuse of the cards.

(9) Audit and reconcile transactions monthly.

(10) Maintain records as provided by the county's record retention policy.

(Ord. No. 0-2015-10, § 5, 11-24-2015)

Sec. 2-244. Use of cards.

(a) *Authorized purchases.*

(1) County purchase cards and /or credit cards may be used to purchase goods and services directly related to the public duties of the authorized elected official only. All purchases are subject to the terms of this division, the county purchasing card and/or credit card user agreement, purchasing card user's manual, county procurement policies and ordinances, and the adopted budget.

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

(3) The transaction limits shall be as established in the user agreement.

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

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

(d) *Public records.* All receipt and other documentation of purchases are public records and subject to the requirements of O.C.G.A. § 50-18-70 et seq.

(Ord. No. 0-2015-10, § 6, 11-24-2015)

Sec. 2-245. Review of purchases and audit.

(a) *Review of purchases.* Proper documentation of purchases, internal controls and other measures prevent and allow detection of misuse or abuse of county issued purchasing cards and/or credit cards. Authorized elected officials and staff that process payments under this program shall cooperate and comply with the purchasing card user's manual to ensure purchases are for legitimate business purposes only. All purchases shall be reviewed as set forth in the purchasing card user's manual.

(b) *Audits.* The purchasing card administrator shall perform an annual review of the card program to ensure adequacy of internal policies and procedures, cardholder spending limits, monthly reconciliation procedures and documentation for transactions. Elected officials and staff shall cooperate with such review.

(Ord. No. 0-2015-10, § 7, 11-24-2015)

Sec. 2-246. Violations.

(a) An authorized elected official shall reimburse the county for any purchases made with a county purchasing card and/or credit card in violation of this ordinance, the purchasing card user's manual or the user agreement.

(b) In the discretion of the board of commissioners, failure to comply with the procedures outlined in this ordinance may result in:

(1) A warning;

(2) Suspension of the elected official's authority to use a county purchasing card and/or credit card; or

(3) Revocation of the elected official's authority to use a county purchasing card and/or credit card.

(c) Nothing in this division shall preclude the board of commissioners from referring misuse of a purchasing card and/or credit card for prosecution to the appropriate authorities.

(Ord. No. 0-2015-10, § 8, 11-24-2015)

Secs. 2-247—2-249. Reserved.

### ARTICLE VII. CODE OF ETHICS

Sec. 2-250. Purpose and intent.

The purpose of this Code of Ethics is to establish ethical standards of conduct for the chairperson and the members of the Rockdale County Board of Commissioners by identifying acts or actions that are incompatible with the best interests of the community.

The citizens and businesses of Rockdale County are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. Further, it is essential to the proper administration and operation of the county that the members of the board of commissioners are independent and impartial; that public office or position not be used for private gain; that there be public confidence in the integrity of the board of commissioners; and that the public interest requires protection against conflicts of interest by establishing and adopting appropriate ethical standards to govern the conduct of the board of commissioners.

Persons best qualified to serve in positions of public trust are essential to the efficient operation of government. This article is intended to be construed to accomplish this purpose and is to be interpreted and understood so as not to unreasonably frustrate or impede the desires or inclination to seek and serve in public office by those persons best qualified to serve.

The purpose and intent of this article, therefore, is to make clear those standards of ethical conduct that shall be applicable to the members of the board of commissioners in the discharge of their official duties and to implement the objective of protecting the integrity of Rockdale County's government and to prescribe only such essential restrictions against conflicts of interest as will not impose unnecessary barriers against public service.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-251. Definitions.

*Commissioner* means the chairperson and the individual members of the Rockdale County Board of Commissioners.

*Financial interest* means:

(1) Any source of income from which a commissioner or the immediate relative of a commissioner has received more than $500.00 in any calendar year during the term of office of the commissioner; or for the calendar year immediately preceding the commencement of the commissioner's term of office;

(2) Ownership of an interest, legal or equitable, of a commissioner or of the immediate relative of a commissioner of more than ten percent of the total assets or capital stock of a business entity; or

(3) Ownership of any interest, legal or equitable, by a commissioner or the immediate relative of a commissioner having a fair market value of more than $20,000.00.

*Gift* means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. Such term does not include the solicitation, acceptance, receipt or regulation of political campaign contributions.

*Immediate relative* means the spouse, children, stepchildren, siblings, parents, mother in-laws, father in-laws, grandparents, and grandchildren of a commissioner.

*Official act or action* means any legislative, administrative, appointive or discretionary act of the board of commissioners.

*Private party* means any person, company, firm or organization of any kind other than governmental bodies, school boards, and development authorities.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-252. Applicability.

This article shall apply to the commissioners. Employees of Rockdale County shall be subject to the ethical policies and procedures promulgated pursuant to chapter 58 and section 2-64 of this Code.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-253. Impartiality.

A commissioner shall not:

(1) Use his or her position as a commissioner to induce, coerce or influence any person or an employee of Rockdale County in a way that would provide any financial benefit to the commissioner, an immediate relative, or any business in which he or she has a financial interest.

(2) Use or disclose confidential information concerning the property, governing operations, policies or affairs of the county to advance the financial interest of himself or herself or an immediate relative, or use or disclose such confidential information for the financial benefit of any third party.

(3) Fail to disclose prior to any discussion during a meeting or vote that he or she has a financial interest in any matter before the board of commissioners.

(4) Use his or her position to secure special privileges or exemptions for himself or herself or for others, or to secure confidential information for any purpose other than the discharge of his or her official responsibilities.

(5) Use county facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public or otherwise provided by state law, county ordinance or policy.

(6) Use his or her position to grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-254. Abstention to avoid conflicts of interest.

(a) A commissioner shall not vote, or participate in the discussion or deliberation on, an ordinance, resolution or amendment for which the commissioner or his or her immediate relative has a financial interest. Provided, however, that regarding matters of general or county-wide application, such as code text amendments impacting a group or class of properties or individuals, such commissioner, shall disclose such financial interest and, following such disclosure, shall be allowed to discuss, deliberate, and vote on such matter and such discussion, deliberation, and vote shall not constitute violations of this ordinance and shall not be the subject matter of an ethics complaint hereunder.

(b) A commissioner shall not vote or participate in the discussion or deliberation on any administrative proceeding, appeal, request for ruling, or claim in which the commissioner or his or her immediate relative has a financial interest.

(c) A commissioner shall not vote upon any matter involving an organization of which he or she is a board member or director. Provided however, that this prohibition shall not apply to any matter involving any boards or authorities on which the commissioner serves by virtue of his or her elected office or by appointment of the board of commissioners or the governor or an agency of the State of Georgia.

(d) A commissioner who has a conflict of interest as described in subsections (a), (b) or (c) of this section, shall, prior to the matter being deliberated and voted upon by the board of commissioners, disclose the conflict of interest in writing to the clerk of the board of commissioners, or on the record if such disclosure occurs during the course of a meeting. In the event of a conflict of interest the commissioner shall not discuss, debate, deliberate about, vote, act upon or otherwise participate or influence the decision making process pertaining to the matter.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-255. Avoidance of conflict of interest in contracting.

(a) The county shall not enter into any contract involving services or property with a commissioner or with a business in which the commissioner has a financial interest. Provided that if the provisions of subsection 2-254(d) are followed, the prohibitions of this section shall not apply to:

(1) The designation of a bank or trust company as a depository for county funds;

(2) The borrowing of funds from any bank or lending institution which offers competitive rates for such loans;

(3) Contracts entered into under circumstances which would constitute an emergency situation, provided that such emergency is documented and submitted to the board of ethics to be kept on file; or

(4) Contracts which are entered into as a result of a competitive bid process conducted pursuant to the purchasing and procurement policy of the county.

(b) The provisions of subsection (a) of this section shall also apply to formal proposals to contract which are, or are proposed to be, the subject of an official act or action of the board of commissioners.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-256. Incompatible employment.

(a) No commissioner shall engage in or accept employment with or render services to any private business or professional activity when such employment or service is adverse to the proper discharge of the commissioner's official duties. This section shall not apply to a commissioner who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(b) No commissioner shall advocate for or cause, directly or indirectly, the hiring, advancement, promotion, or transfer of any of such commissioner's immediate relatives to any office or position with the county or a county agency.

(c) No commissioner having authority to appoint or recommend for appointment members of any county board, commission, or authority shall appoint or recommend for appointment any of such commissioner's immediate relatives.

(d) No commissioner shall, after the termination of service with the county, accept remuneration of any kind for any appearance before any board, commission, committee, agency or authority of the county on behalf of any private party in relation to any case, proceeding, or application in which he or she personally participated during the period of his or her service, which was under his or her active consideration during the period of his or her service, or as to which he or she could have acquired knowledge or information not readily available to a member of the public, during the period of his or her service. This prohibition shall have a duration of three years commencing on the date of the commissioner's termination of service.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-257. Holding dual positions prohibited.

A commissioner shall not during his or her term of office hold any other local government or municipal position except where it is provided by state law or local ordinance that a commissioner shall be appointed, nominated or continue to serve in such position.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-258. Solicitation or acceptance of gifts.

(a) Except as provided in this section, no commissioner, either for himself or herself or for any other person, may knowingly solicit, receive, benefit from, accept, or agree to accept any gift, for himself or herself, or for any other person. This prohibition shall also include any gift received by any commissioner if:

(1) It could reasonably be considered to influence the commissioner in any official act or action which results in a pecuniary benefit for the donor which is not available to the public at large;

(2) The commissioner recently has been or is now involved in any official act or action which results in a pecuniary benefit for the donor which is not available to the public at large.

(b) The above prohibitions shall not apply to the following, provided that there is no intent to influence any official act or action:

(1) Occasional nonpecuniary gifts of insignificance or trinkets or gifts received in the normal course of business with a value of less than $25.00;

(2) Awards publicly presented in recognition of public service;

(3) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such loan or financial transaction;

(4) Honorariums or awards for professional achievement;

(5) Gifts received from relatives or members of the household of the donee;

(6) Courtesy tickets or free admission to educational seminars, or educational or informational conventions, directly pertaining to official duties or responsibilities; or

(7) Hospitality, or meals, extended for a social, charitable, non-profit, convention, conference, or business purpose unrelated to the official business of the county, not to exceed $250.00 annually from any one source.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-259. Financial disclosures.

Commissioners shall file with the clerk of the board of commissioners the financial disclosure statement required by O.C.G.A. § 21-5-50 and any supplement or amendment thereto no later than 30 days from the date of submission by the commissioner in compliance with the applicable provisions of O.C.G.A. § 21-5-50. All disclosures with regard to rezoning applications shall be governed in their entirety by O.C.G.A. § 36-67A-1, et seq., as amended. No additional financial disclosures by a commissioner, other than those required by federal and state law, shall be required.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-260. Elections.

No commissioner shall direct any person employed by the county to undertake political activity on behalf of that commissioner, any other commissioner, or any other individual or political party or group or business organization, during such time that the county employee is required to conduct county business. This section does not prohibit incidental telephone calls made for the purpose of scheduling a commissioner's daily county business.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-261. Board of ethics: creation; composition.

There is hereby created a three-member county board of ethics, which shall consist of the following members:

(1) One appointee selected by majority vote of the Rockdale Coalition of Homeowners and Civic Associations (RCHCA), which shall be a current member of the RCHCA.

(2) One appointee of the county bar association; and

(3) One appointee selected by majority vote of the board of the Conyers-Rockdale Chamber of Commerce.

(Ord. No. 0-2008-14, § 1, 10-28-2008; Ord. No. 0-2014-14, § 1, 12-9-2014; Ord. No. 0-2015-03, § 1, 3-24-2015)

Sec. 2-262. Board of ethics: appointment procedures.

(a) The initial appointments of the members of the board of ethics shall be accomplished as follows: Within five business days of the effective date of this article, the county clerk or his or her designee shall notify the respective appointing body or individuals of the duty to appoint or vote upon a member for placement on the board of ethics. The body or individuals so notified shall have 60 days in which to conduct their appointment process and provide the county clerk with the name of the appointment. The board of commissioners shall confirm the three persons so identified at the next regular meeting of the board of commissioners following receipt of the names of the appointees from the county clerk.

(b) Except as provided in subsection (c), members of the board of ethics shall each serve a term of three years, without compensation.

(c) The member of the board of ethics initially appointed to position (2), as set forth in section 2-261, shall serve a two-year term, without compensation. The member of the board of ethics initially appointed to position (3), as set forth in section 2-261, shall serve a one-year term, without compensation.

(d) All appointments following the expiration of the initial terms and all appointments made in the cases of vacancies created during a particular term shall be made by the applicable body or individuals as indicated in section 2-261. The county clerk or his or her designee shall notify the applicable body or individuals responsible for making an appointment at least 45 days prior to the expiration of the respective term or immediately upon knowledge of a vacancy created during a term. Upon such notification, the appointment process shall proceed as set forth in subsection (a) of this section.

(Ord. No. 0-2008-14, § 1, 10-28-2008; Ord. No. 0-2015-03, § 2, 3-24-2015)

Sec. 2-263. Qualifications of members.

A person is eligible to serve as a member of the board of ethics if the person, while serving:

(1) Resides in the county and is a registered voter.

(2) Is not an employee of the Rockdale County government or of any political party.

(3) Does not hold any elected or appointed office and is not a candidate for office of the United States, Georgia, or Rockdale County.

(4) Has not been convicted of a felony, which shall be confirmed by the consent to a criminal history background check to be performed by the county.

(Ord. No. 0-2008-14, § 1, 10-28-2008; Ord. No. 0-2014-14, § 2, 12-9-2014)

Sec. 2-264. Removal of member.

The board of commissioners may remove a member of the board of ethics on the grounds of neglect of duty, misconduct in office, a disability rendering the member unable to discharge the powers and duties of the office as specified in this article, or engagement in political activity in violation of section 2-269. Before initiating the removal of a member from the board of ethics, the board of commissioners shall give the member written notice of the reason for the intended action, and the member shall have an opportunity to reply. Thereafter, the board of commissioners shall afford such member an opportunity for a hearing.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-265. Organization of board of ethics.

(a) Members of the board of ethics shall not be compensated.

(b) The ethics board shall elect one of its members to act as chairperson for a term of one year, or until a successor is duly elected. At the same time, the ethics board shall elect one of its members to act as vice-chairperson for the same term and to act for the chairperson in his or her absence because of disqualification or vacancy. If the office of chairperson or vice-chairperson is vacated in any manner before the expiration of the term, the ethics board shall elect a temporary successor. It shall elect a permanent chairperson or vice-chairperson only after any vacancy on the ethics board is filled. Vacancies shall be filled by immediately requesting a nominee from the applicable body or individuals that originally nominated the terminated board member.

(c) Upon its initial meeting, and yearly thereafter, the ethics board shall select a qualified individual to serve as an alternate in the event of a conflict of interest or disqualification of an ethics board member under section 2-268. The alternate shall be appointed for a period of one year or until a successor is duly appointed.

(d) By majority vote, or by call of the chairperson, the board of ethics may call a meeting, as necessary. All meetings of the board of ethics shall be open to the public, including those portions of meetings devoted to deliberation, and duly publicized as required by state law.

(Ord. No. 0-2008-14, § 1, 10-28-2008; Ord. No. 0-2015-03, § 3, 3-24-2015)

Sec. 2-266. Staffing and expense.

The board of ethics shall be provided sufficient meeting space, staff support and other supportive services to carry out its duties required under this article. The county clerk shall serve as the filing clerk for the board of ethics and shall be authorized to receive all filings before the board of ethics, and to publish notices of all ethics board meetings and elections upon request of the board of ethics chairperson. The ethics board filing clerk shall not be required to serve as the recording clerk for the board of ethics. The budget for the board of ethics shall be a subpart of the budget for the department of finance.

(Ord. No. 0-2008-14, § 1, 10-28-2008; Ord. No. 0-2014-14, § 3, 12-9-2014)

Sec. 2-267. Counsel.

The board of ethics shall be represented and assisted in carrying out its responsibilities by an attorney appointed by the board of ethics, such attorney to meet the same qualifications of members as set forth in section 2-263 and prohibitions against political activity as set forth in section 2-269. Such attorney shall serve at the pleasure of the board of ethics as needed at the hourly rate currently approved by the board of commissioners for the county attorney.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-268. Adherence to ethics code; disqualification of member.

The board of ethics and its counsel shall be governed by and subject to this article, except as to any requirements related to financial disclosure. If a member of the board of ethics has a conflict of interest or must disqualify himself or herself under this ethics code or by law, the alternate chosen by the board pursuant to subsection 2-265(c) shall hear that matter.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-269. Prohibition against political activity.

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

(1) Member of the board of ethics means an individual who occupies the position of a member of the board of ethics or a prospective member of the board of ethics.

(2) Political party means a national political party, a state political party, a political action committee and/or any affiliated organization.

(3) Election includes a primary, special and general election, including elections at which the candidates are not identified with a political party and including elections involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a governmental ordinance, or any question or issue of a similar character.

(4) Political fund means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or other entity.

(5) Contribution means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise.

(b) *Permissible activities.* All members of the board of ethics are free to engage in political activity to the widest extent consistent with the restrictions imposed in this article. Each member of the board of ethics retains the right to:

(1) Register and vote in any election;

(2) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization or of a similar organization;

(3) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(4) Sign a political petition as an individual;

(5) Make a financial contribution to a political party or organization;

(6) Serve as an election judge or clerk or in a similar position to perform nonpartisan duties as prescribed by state or local law; and

(7) Otherwise participate fully in public affairs in a manner which does not materially compromise his or her efficiency or integrity as a member of the board of ethics or the neutrality, efficiency or integrity of the board of ethics.

(c) *Prohibited activities.*

(1) A member of the board of ethics may not take an active part in political management or in a political campaign, except as permitted by subsection (b) of this section.

(2) A member of the board of ethics shall not take part in or be permitted to do any of the following activities:

a. Serve as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee of a political club, or be a candidate for any of these positions;

b. Organize or reorganize a political party organization or political club;

c. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a political purpose;

d. Organize, sell tickets to, promote or actively participate in a fundraising activity of a candidate in an election or of a political party or political club;

e. Take an active part in managing the political campaign of a candidate for public office or a candidate for political party office;

f. Become a candidate for, or campaign for, an elective public office;

g. Solicit votes in support of or in opposition to a candidate for public office or a candidate for political party office;

h. Act as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in an election;

i. Drive voters to the polls on behalf of a political party or a candidate in an election;

j. Endorse or oppose a candidate for public office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material;

k. Serve as a delegate, alternate or proxy to a political party convention;

l. Address a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a candidate for public office or political party office; or

m. Initiate or circulate a nominating petition.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-270. Duties and powers.

The board of ethics shall have the following duties and powers:

(1) To establish any procedures, rules and regulations governing its internal organization and conduct of its affairs, including, but not limited to, scheduling meetings as needed.

(2) To receive and hear complaints of violations of standards required by this ethics code.

(3) To make investigations as it deems necessary to determine whether any person has violated this ethics code.

(4) To issue subpoenas to compel the attendance and testimony of witnesses and the production of evidence germane to its jurisdiction and to apply to any court of competent jurisdiction to enforce such subpoena, including applying to the court to punish the disobedience of any such order as contempt of court.

(5) To take such action as provided in this ethics code as deemed appropriate because of any violation of this ethics code.

(6) To make proposals or recommendations to the board of commissioners for the adoption of any revisions or amendments to this ethics code.

(7) To perform any other function authorized by this ethics code.

(8) To issue advisory opinions as provided in this article.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-271. Advisory opinions.

The board of ethics shall render an advisory opinion based on a real or hypothetical set of circumstances when requested in writing by a commissioner or the board of commissioners subject to the provisions of this article, and it shall be a responsibility of the board of ethics to interpret this article. Such advisory opinion shall be rendered pursuant only to a written request, fully setting forth the circumstances to be reviewed by the ethics board. The proceedings of the ethics board pursuant to this section shall be held in public, as provided by subsection 2-265(c) and Georgia law, and the opinions of the ethics board shall be made available to the public to examine and for the press to publish.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-272. Complaints.

The board of ethics shall be responsible for hearing and deciding any complaints filed regarding alleged violation of this article by any person. The following procedure shall be followed when filing a complaint:

(1) Any person may file a complaint alleging violation of any of the provisions of this Article by filing it with the county clerk, who shall immediately deliver such complaint to the chairperson of the board of ethics or his or her designee. A copy of such complaint shall immediately be forwarded by registered mail to the person against whom the complaint was filed. The complaint must be supported by affidavits based on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit(s) shall be attached to the affidavit(s). A complaint must be filed within six months of the date the alleged violation is said to have occurred, or in case of concealment or nondisclosure, within six months of the date the alleged violation should have been discovered after due diligence. In the event the ethics board makes an initial determination that a complaint is technically deficient, the board shall submit a list of deficiencies to the complainant and offer the complainant the opportunity to correct the deficiencies within seven days prior to the ethics board's investigatory review of the complaint.

(2) Upon receipt of a complaint alleging misconduct, the person against whom the complaint was filed may reply to the complaint within 30 days, unless such time for reply is shortened or extended by the ethics board. The person's response must be supported by affidavits based on personal knowledge, must set forth such facts as would be admissible in evidence, and must show affirmatively that the affiant is competent to testify to the matters stated therein. All documents referred to in an affidavit(s) shall be attached to the affidavit(s).

(3) Within 60 days of receipt of a complaint, the ethics board shall conduct an investigatory review to determine whether specific substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this article. If after reviewing the complaint the ethics board by majority vote determines that no specific, substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this article or determines that no violation occurred, it may dismiss the complaint. In the event a complaint is dismissed on the basis of a deficiency in the form of the complaint, rather than upon the merits of the complaint, the complaint may be re-filed within 15 days of said dismissal if the deficiency in the form and pleading has been cured.

(4) If the ethics board determines that specific, substantiated evidence from a credible source(s) exists to support a reasonable belief that there has been a violation of this article, certified written notice of a hearing, containing the time, date and place of such hearing, shall be given to each party by the ethics board, and a formal public hearing shall be conducted and both parties afforded an opportunity to be heard. Any formal public hearing shall be conducted in accordance with the requirements of due process. The board of ethics is authorized to swear witnesses. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. The board shall determine if clear and convincing evidence shows any violation of this Code.

(5) Nothing in this article shall be construed to limit or encumber the right of the board of ethics to initiate an investigation on its own cognizance as it deems necessary to fulfill its obligations under this article.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-273. Penalties.

(a) A commissioner shall be subject to the following penalties or actions upon the determination of a violation of this article:

(1) Written reprimand or censure;

(2) Recovery of the value transferred or received by the county;

(3) Voiding of the action for which the violation was determined; or

(4) A monetary fine not to exceed $1,000.00.

(b) A person filing a complaint may be subject to a monetary penalty not to exceed $500.00 in the event the ethics board determines by unanimous vote that the complaint lacked substantial justification or was made for purposes of delay or harassment.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-274. Other remedies.

In addition to any other remedy provided by this article or permitted by law, upon direction of the board of ethics, a petition may be filed for injunctive relief, or any other appropriate relief, in the county superior court, or in any other court having proper venue and jurisdiction, for the purpose of requiring compliance with the provisions of this article. In addition, the court may issue an order to cease and desist from the violation of this article. The court also may void an official action taken by any official which action was prohibited by this article, provided that the legal action to void the matter was brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public. The court, after hearing and considering all the circumstances in the case, may grant all or part of the relief sought. However, the court may not void any official action appropriating public funds, levying taxes or providing for the issuance of bonds, notes or other evidences of public obligation.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

Sec. 2-275. Judicial review.

(a) Any party against whom a decision of the board of ethics is rendered may obtain judicial review of the decision by writ of certiorari to the superior court of the county. The application for the writ must be filed within 30 days from the date of the decision. Judicial review shall be based upon the record. No party shall be entitled to a de novo appeal.

(b) Upon failure to timely request judicial review of the decision by writ of certiorari as provided in this section, the decision shall be binding and final upon all parties.

(Ord. No. 0-2008-14, § 1, 10-28-2008)

## Chapter 6 ADVERTISING[[7]](#footnote-7)

Sec. 6-1. Handbills and advertising matter.

(a) Unless otherwise provided in this section, it shall be unlawful to place in or on any private property any handbill, circular, pamphlet, poster, postcard or other literature, except with the prior permission, expressed or implied, of the owner of the property or intended recipient.

(b) Distribution of any literature shall be lawful without the prior permission of the property owner or intended recipient if the literature is sent by mail or if the organization or individual distributing the literature has registered with the county department of buildings and inspections on a form approved by the board of commissioners and a permit is issued thereto for each person distributing the literature. That person shall carry the permit with him when distributing the literature and shall exhibit the permit to any person requesting it. Civic, political and religious organizations shall be exempt from the permit requirement but registration shall still be required.

(Code 1978, § 9-4009)

## Chapter 10 ALCOHOLIC BEVERAGES[[8]](#footnote-8)

### ARTICLE I. IN GENERAL

Sec. 10-1. Drunkenness in public places.

(a) *Drunkenness in public prohibited.* It shall be unlawful for any person to be and appear on the streets or roads in the county or on any county-owned property and be in an intoxicated condition. It shall be unlawful for any person to be in any public place of business patronized by the public in an intoxicated condition.

(b) *Penalty for violation.* The penalty for a violation of this section shall be as provided in section 1-11.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Cross reference(s)—Streets, sidewalks and other public places, ch. 82.

Secs. 10-2—10-30. Reserved.

### ARTICLE II. SALE

#### DIVISION 1. GENERALLY

Sec. 10-31. Definitions.

The definitions used in section 86-31 shall likewise apply to this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverages* means and includes malt beverages, beer, fortified wine or wine, and distilled spirits as defined in this section.

*Beer* or *malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, strong beer, and hard cider as may be defined by state law.

*Building code* means and includes all building, plumbing and electrical codes and any other similar technical code of the county.

*Church* means any permanent building set apart for the regular assembly of religious worship.

*College* means only such state, county, city, church or other colleges that teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Courtyard* means an area open or partially open to the sky and enclosed or surrounded on all sides by buildings, walls, fences or other such structures, or a combination thereof.

*Distance* means a measurement in lineal feet by the most direct route of travel on the ground and shall be measured from the main entrance of the proposed establishment from which alcoholic beverages are sold or offered for sale, in a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route, thence along such public sidewalk, walkway, street, road or highway by the nearest route to:

(1) The main entrance of a church, synagogue, mosque or other place of worship, an alcoholic treatment center, or any public library;

(2) The property line of any school or educational grounds or college campus; or

(3) The zoning district line of the nearest specified zoning classification.

*Distilled spirits* means all beverages containing alcohol, obtained by distillation or containing more than 21 percent alcohol by volume, including fortified wines.

*Hotel* means a building or other structure kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests whether transient, permanent, or residential, in which 25 or more rooms are used for the sleeping accommodations of guests. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant, or nightclub in their premises; and the holder of a franchise shall be included in the definition of "hotel" thereunder.

*Indoor commercial recreational establishment* shall mean and is limited to an indoor establishment:

(1) In which the sale of food (including nonalcoholic beverages) and alcoholic beverages is incidental to its primary activity on the premises and which shall derive at least 50 percent of its total annual gross sales from its primary activity;

(2) In which meals are served, such place being provided with adequate and sanitary kitchen and dining equipment and a sufficient number and kind of employees to prepare, cook and serve suitable food for its customers. Said establishment shall be prepared to serve food every hour they are open; and

(3) In which the primary activity on the premises of the indoor commercial recreational establishment shall be family oriented in nature, generally meaning a use that attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, bowling centers, billiard parlors, video arcades, skating arenas and other similar uses.

*Lounge* means a separate room connected with a part of and adjacent to a restaurant or located in hotels as defined in this section with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and have a seating capacity of at least 50. A lounge, as defined in this definition, which is operated on a different floor in the premises, or in a separate building, or is not connected to or adjacent to a restaurant shall be considered a separate establishment and shall pay an additional license fee therefore.

*Malt beverages.* See beer or malt beverage.

*Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The term also means:

(1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;

(2) In the case of malt beverages, any brewer; and

(3) In the case of wine, any vintner.

*Minor* means any person below the age at which alcoholic beverages may be legally purchased in the state.

*Moral turpitude* shall include any misdemeanor criminal offenses involving fraud, theft, identity theft or dishonesty, misdemeanor drug offenses, and any felony offense. However, all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq. relating to first offender status if they were sentenced under the First Offender Act by the sentencing court.

*Nightclub* shall mean a place of business that is authorized to supply live entertainment for the amusement needs of the public generally, and shall exclude persons under 18 years of age, and where the preparation and sale of food (including nonalcoholic beverages) and/or alcoholic beverages may be incidental to the provision of such live entertainment.

*Patio* means an open area adjoining the premises which has a floor made of cement, brick, tile, wood, or other similar material.

*Performing arts facility* shall mean and is limited to an establishment:

(1) That has as its principal objective or business the presentation of live music, mainline dramatic arts, plays, theatre productions and stand-up comedy;

*Premises* means the definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed and may include a courtyard or patio as defined in this section.

*Private club* means a corporation organized and existing under the laws of the state actively in operation within the limits of the county, and having members paying regular monthly, quarterly, semiannual or annual dues.

*Private residence* means a house or dwelling wherein not less than one or more than three families customarily reside and shall not include a manufactured home, a boardinghouse where there are five or more boarders or roomers, or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application.

*Responsible Alcohol Sales and Services (RASS) workshop* shall mean a workshop to educate alcoholic beverage handlers on legal issues, restrictions, and regulations related to the responsible sales and service of alcoholic beverages.

*Restaurant* shall mean a place of business that is authorized to prepare, cook and sell food (which shall include nonalcoholic beverages) for immediate consumption on the premises, and where the preparation and sale of alcoholic beverages for immediate consumption on the premises, may be incidental to the sale of such food, for adequate pay, without a minimum charge or cover charge. Restaurants shall not exclude any person, and shall derive at least 50 percent of its total annual gross sales from the preparation and sale of food. Entertainment customarily incidental and subordinate to the traditional operations of a restaurant such as karaoke, individual or small group vocalists and/or instrumentalists that provide background music, recorded music, televised programming, etc., may be supplied for its guests; but in no circumstance shall chairs and/or tables be rearranged for the viewing of such entertainment. Restaurants may include, but shall not be limited to: fast-food restaurants, full-service restaurants or limited-service restaurants.

*Retail* means retail sales packages to go and not for consumption on the premises.

*School* means only such state, county, city, church or other schools that teach the subjects commonly taught in the common schools of the state and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Wine* shall mean any alcoholic beverages 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. Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 10-32. License is a privilege.

(a) All licenses issued under this article shall be a mere grant or privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the county and state law.

(b) All licenses issued under this article shall have printed on the front these words:

"THIS LICENSE IS A MERE PRIVILEGE SUBJECT TO REVOCATION AND ANNULMENT, AND IS SUBJECT TO ANY AND ALL ORDINANCES NOW IN EFFECT OR WHICH MAY BE ENACTED."

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-33. License required; time limit for commencement of operation.

(a) No malt beverage, wine, distilled spirits or any other alcoholic beverage shall be sold or manufactured in the county except under a license issued under this article by the board of commissioners.

(b) The requirements of this article shall be in addition to any other requirements for business licenses under this Code; and if other provisions of this Code conflict with this article, this article shall control.

(c) Licenses which may be issued under this article include:

(1) Manufacturing alcoholic beverages.

(2) Wholesale:

a. Malt beverages and wine.

b. Distilled spirits.

(3) Retail:

a. Malt beverages and wine.

b. Distilled spirits.

(4) Consumption on the premises:

a. Malt beverages and wine.

b. Distilled spirits.

(5) Any combination under subsection (c)(2) of this section.

(6) Any combination under subsection (c)(3) of this section.

(7) Any combination under subsection (c)(4) of this section.

(d) All licenses issued under this article must, within 90-days after the issuance of a county license, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued license, and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the board of commissioners for an extension of time for good cause not to exceed 90-days, and the board of commissioners at its discretion may grant or deny the request.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-34. Applications for license.

(a) The provisions of this Code on general business licensing shall apply in addition to the provisions of this section.

(b) All applications for licenses under this article shall be accompanied by payment in full for all the fees and taxes provided for in this Code for the classification into which the applicant falls.

(c) The county application shall be a photostatic or other copy of all the appropriate state applications and forms along with a county supplemental application form approved by motion of the board of commissioners.

(d) Any false statement or material misrepresentation in any application under this article shall be grounds for the revocation of any license granted under this article.

(e) Should an existing license holder wish to upgrade an existing valid license to include license combinations authorized in section 10-33, the county official reviewing such applications shall be authorized to waive duplicative application procedural requirements and fees when to do so will equally serve and protect the public health, safety, morality and welfare.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-35. Notice of intention to secure license for sale of alcoholic beverages.

(a) No application for a license for the sale of alcoholic beverages shall be acted upon until after the applicant has published in the newspaper, which publishes the legal advertisements of the county, a notice of his intention to secure a license for the sale of alcoholic beverages. Such notice shall be submitted on forms provided by the county and shall contain the following information:

(1) The type of license for which application has been filed.

(2) The exact location of the place of business for which a license is sought.

(3) The names and addresses of each owner of the business.

(4) If the applicant is a corporation, the names and titles of all corporate officers.

(b) Proof of publication of the notice required by this section shall be attached to an application for a license for sale of alcoholic beverages.

(c) An applicant for a renewal license shall not be subject to the notice requirements of this section.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-36. Application forms.

(a) All persons, firms, corporations or partnerships desiring to sell alcoholic beverages shall make application on a form prescribed by the board of commissioners.

(b) The application shall include but not be limited to:

(1) The name and address of the applicant.

(2) The proposed business to be carried on.

(3) If a partnership, the names and residence addresses of the partners.

(4) If a corporation, the names of the officers, the name of the manager, and the names of all shareholders holding more than ten percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the Director of the department of planning and development or his designee the name and address of the new manager and other information as requested within ten days of such change.

(c) A separate processing fee of $50.00 to cover the expense of an investigation and processing the application must be paid, which fee shall not be refundable.

(d) Proof that the location of the proposed premises complies with all zoning and planning requirements must be furnished.

(e) All applicants shall furnish data, information, and records as required by the board of commissioners and to ensure compliance with the provisions of this article. Failure to furnish data as requested shall automatically serve to dismiss the application with prejudice.

(f) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.

(g) The county shall require no more than 30 days for processing any completed application for a license under the terms of this division, provided that the 30 days may be extended by agreement of the applicant and the county. A completed application is the county application fully completed and all the required documents and approvals on the "Documents and Procedure" List.

(h) In all instances in which an application is denied under the provisions of this article, the applicant may not reapply for a license for at least one year from the final date of such denial.

(i) The director of the department of planning and development shall provide written notice to any applicant whose application is denied under the provisions of this article. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this article.

(j) If the applicant is denied a license by the state, any business tax paid shall be refunded; but all other fees shall be retained by the county.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-37. Separate application and separate license for each location of sale.

A separate application must be made for each location, and a separate license must be issued.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-38. Preliminary approval required.

All applications shall be approved or disapproved by the sheriff or his designee as a condition to action thereon and issuance of a license by the board of commissioners. Before the sheriff approves or disapproves an application, he shall make or cause to be made a complete and exhaustive investigation of the police record and character and reputation of the applicant. If the sheriff determines that the applicant has no record that is in violation of this article and is of good character and reputation, he shall approve the application.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-39. Denial of license application; granting.

(a) The director of the department of planning and development may deny a county license under this article on any of the following grounds:

(1) Failure to meet state requirements for state license.

(2) Failure to pay required fees and taxes.

(3) Failure to provide required valid information and documents.

(4) False information in the application or attached documents.

(5) Failure to pass review by the sheriff.

(6) Improper residency of the applicant, owner, or registered agents.

(7) Prior convictions as provided in this article.

(8) Failure to meet any other requirements in this article for a license of the class applied for.

(b) Otherwise, the director of the department of planning and development may issue any county license provided for in this article after a motion to that effect is approved by the board of commissioners.

(c) If the director of the department of planning and development denies a license application, such denial shall be in written form, addressed to the applicant at the application address, and shall state the grounds upon which the denial is based. Within ten days of the date of issuance of such notice, the applicant may appeal the denial by submitting a written notice of appeal to the board of commissioners. The board of commissioners shall schedule a hearing on the appeal within 30 days of receipt of the notice of appeal and shall provide written notice thereof to the appellant. At the hearing, the appellant and the board of commissioners may each present evidence relating to the grounds of denial. The appellant may be represented by counsel at such hearing or may appear in his own behalf.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-40. Residence requirements.

No license for the sale of alcoholic beverages shall be issued in the name of any individual who is not a citizen of the United States or has not been a resident of the state for at least one year prior to the filing of an application for the license. Where the applicant is a corporation, partnership or association, the license shall be issued jointly to the corporation, partnership or association, and an officer or agent or the corporation, partnership or association who meets the requirement in this section.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-41. Moral character of licensee.

No person, partnership or corporation shall be granted a license under this article unless it shall appear to the satisfaction of the board of commissioners that the person applying, the partner applying on behalf of the partnership, or the agent applying on behalf of the corporation, shall be of good moral character. If an applicant, inclusive of the partner applying on behalf of the partnership or the agent applying on behalf of the corporation, has been convicted, pled guilty, or entered a plea of nolo contendere to a crime involving moral turpitude or an offense involving the sale of narcotics or the sale of alcohol to a minor within a period of two years prior to the filing of the application, the application for a license under this article may be denied.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-42. Completion of proposed licensed premises.

If the building in which an applicant for a license proposes to operate under the provisions of this article is not, at the time of application for the license, in existence, or not yet completed, a license may be issued for the location provided the plans and specifications for the proposed building are filed with the department of planning and development and show clearly a compliance with the provisions of this article and other applicable provisions of this Code. No sales of alcoholic beverages shall be allowed in the establishment until it has been completed in accordance with the plans and specifications and in conformity with all other provisions of this Code.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-43. State regulations.

All licenses issued under this article shall be subject to O.C.G.A. tit. 3 and the rules and regulations prescribed by the state department of revenue relating to alcoholic beverages. Violations of such rules and regulations shall be additional grounds for revocation or suspension of any license under this article.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-44. Open to inspection.

Any establishment holding a license issued under this article shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the sheriff's office, any licensed inspector of the county, or to any person designated by the sheriff's office or the board of commissioners. In addition, if the premises are being used after hours by employees or the owners or their agents, the premises may be inspected at this time by the designated persons in this section.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-45. Audits.

If the board of commissioners or its designee deems it necessary to conduct an audit of the records and books of the licensee, the licensee shall be notified of the date, time, and place of the audit.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-46. Brown bagging.

It is prohibited for any person to bring their own alcoholic beverage (brown bag) into any establishment either licensed or unlicensed to serve alcoholic beverages.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-47. Sale or possession for purpose of sale without license beyond boundaries.

It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverages where the person does not have a license from the county to sell or possess for sale alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-48. Minors—Prohibited practices.

(a) It shall be unlawful for any minor to buy or allow to be bought for him any alcoholic beverage from any place where these liquors are kept. It shall be unlawful for any person in charge of or employed in any place of business where alcoholic beverages are kept to knowingly permit any minor to buy or to allow to be bought for a minor any alcoholic beverages in or from the place of business. It shall be unlawful for any person to knowingly furnish or serve any minor with any alcoholic beverage. Any attempt to commit any act made unlawful by this section shall be itself unlawful and subject to punishment in the court.

(b) It shall be unlawful for any minor to falsely misrepresent his age in any manner whatever for the purpose of illegally obtaining any alcoholic beverages.

(c) It shall be unlawful for any person to allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage; however, the provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores or drugstores from selling or handling malt beverages or vinous liquors which are sold for consumption off the premises.

(d) It shall be unlawful for any minor to have in his possession, or under his control, at any place whatever in the county, any alcoholic beverages, with the exception of those individuals identified in subsection (c) of this section.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-49. Posting of signs.

(a) All holders of a license for the sale of alcoholic beverages regulated by this article shall be required to post a sign in a conspicuous location in their place of business which reads as follows:

(1) It is against the law for a person under the age of 21 years to have in his possession or under his control any alcoholic beverage. It is also a violation of the law for such a person to misrepresent his age in any manner for the purpose of obtaining any alcoholic beverage.

(2) Any person who conspires, aids, abets, or assists any other person under the age of 21 years to obtain an alcoholic beverage shall be guilty of violating these provisions.

(b) The printed portion of the sign shall be at least nine inches wide by 11 inches tall.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-50. Duration and renewal of license.

(a) The duration of licenses under this article shall be for no more than one calendar year in accordance with the procedures and limitations set forth in subsection (c) of this section and all other provisions of this article. No licensee shall have any vested right to the renewal of any county license.

(b) No licenses under this article may be renewed if the licensee could be denied a new license under this article.

(c) All licenses issued under this article shall expire at 11:59 P.M. on December 31 of the calendar year of issuance. Applications for renewals for licenses under this article shall be subject to all of the provisions of this article and all other relevant provisions of this Code. All renewal applications shall be received by the county by November 1 of the calendar year of the existing license. All renewal applications received by the county after November 1 of the calendar year of the existing license but prior to expiration of the license shall be assessed a late penalty of 50 percent of the required annual fee for such license, which late penalty shall be paid in addition to the required annual fee for such license and all other required fees. No renewal applications shall be accepted by the county after December 31 of each calendar year. Existing permit holders that fail to submit a timely renewal application shall be required to reapply for a new license. Under no circumstances shall any license holder manufacture, sell, or serve alcoholic beverages without a current, valid license to do so issued and posted in accordance with this article.

(d) Any new license granted hereunder during a calendar year shall pay the full license fee without proration; provided however, that one-half of a full license fee shall be paid for a license application filed on or after July 1 of the license year.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-51. Transfer of licenses prohibited; change of location.

(a) Licenses under this article may not be transferred to another person except as otherwise provided in this article. All persons desiring licenses shall make application to the county for a new license and pay any appropriate fees and business taxes, and that person must otherwise meet the requirements under this article for a new license.

(b) A change of location shall be allowed for any license under this article provided the licensee files with the director of the department of planning and development the following information on the new location:

(1) Proof of planning and zoning compliance.

(2) Proof of building code compliance.

(3) Legal description of the property upon which the new premises is located.

(4) Affidavit from a registered surveyor stating that the establishment complies with any distance or location requirements contained within this article.

(c) Any change of location allowed under this section may be denied or revoked on the same basis as for an application for license under this article.

(d) In case of death of any person owning a license, or any interest therein, the license may, with the approval by the board of commissioners, and subject to the terms of this article, be transferred to the administrator, executor or personal representative of the deceased person, or to the heirs at law of the deceased person, if such heirs meet all of the other qualifications contained in this article. The license of the deceased person shall be held by the administrator, executor, or personal representative of the deceased person only for time necessary to complete administration of his estate and to dispose of the license or the interest therein, but in no event to exceed 12 months.

(e) If a license is surrendered, or a licensee severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date determined to be the date of severance. Provided, however, no such sale shall be authorized until such time as a new application for a license is made, such application indicating that no change of ownership has occurred, except as excepted in this article. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.

(f) Nothing in this section, however, shall prohibit one or more of the partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporate ownership at the time of issuance of the license.

(g) A licensee may take in partners or additional stockholders; however, any additional partners or new stockholders must be approved by the board of commissioners as provided under this article.

(h) Should a transfer of location be approved, with no change of ownership of the business, the license fee paid for the old location shall be applied to the new location.

(i) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license under this article automatically, without the necessity of any hearing.

(j) Any violation of this section shall constitute an offense against the county as set forth in section 1-11. No license will be issued to the old or the new owner in the county for one year from the date of the violation.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-52. Special provisions on revocation or suspension.

(a) When a license is suspended or revoked, the county shall not be required to refund any portion of the business tax to the holder of such suspended or revoked license.

(b) Whenever the state shall revoke any permit or license to manufacture or sell any alcoholic beverages, the county license to manufacture or sell any such product within the county shall thereupon be automatically revoked without any further action by the board of commissioners.

(c) When any license for selling alcoholic beverages is revoked, all signs indicating that such beverage may be sold or purchased shall be removed from the place of business, both outside and inside. Upon receipt by the sheriff's office of notice of such revocation, the sheriff's office shall take the necessary steps to see that this provision is enforced.

(d) If the board of commissioners revokes or suspends any license for the sale of alcohol granted under this article, no new license under this article shall be granted by the county for the sale of malt beverages, wine and/or distilled spirits for the period of six months after the date of revocation or suspension to that licensee.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-53. Sale of alcohol on election days permitted.

Pursuant to the delegation of authority granted to the County by O.C.G.A. § 3-3-20(b)(2)(A), the sale by licensees of alcoholic beverages, distilled spirits, wine, and malt beverages shall be lawful during the polling hours of any election; however, nothing in this section shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Cross reference(s)—Elections, ch. 34.

Sec. 10-54. Collection of sums due.

If any person, firm, partnership or corporation shall fail to pay the sum due under this article, the finance director shall issue an execution against the person, firm, partnership or corporation so delinquent, and his or its property for the amount of the delinquent fees or tax.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-55. Prohibition of alcoholic beverages with nudity or in adult entertainment establishments.

(a) The regulations that follow and that otherwise are contained in this Code regarding adult entertainment establishments constitute content-neutral requirements that have been carefully designed to minimize adverse impacts caused by secondary effects of these establishments. The county finds that studies in other jurisdictions demonstrating a correlation between these establishments and such negative secondary effects as diminishing market values in neighboring residential and related areas, increasing crime rates, difficulty in securing residential and related financing, an influx of patrons to these establishments from outside the immediate neighboring areas, and similar negative effects, are pertinent and relevant to the situation that exists in the county. These studies, as well as other evidence from the public and professional staff, have been carefully reviewed by the county prior to adoption of the ordinance from which this section derives. The county further finds that there is evidence considered by the county prior to adoption of these and other county regulations regarding the combined effects of adult entertainment establishments and alcohol, and showing that the combination of such activities create additional pernicious secondary effects upon surrounding communities. The county finds that adoption of regulations restricting these establishments to certain districts, barring alcohol sales within such establishments, and imposing distance and development standards is consistent with the general comprehensive planning standards and policies of the county, will reduce the negative secondary effects caused by these establishments, and will afford protection to residential uses and other uses consistent with residential uses so as to protect the public health, safety, welfare and morality while respecting and protecting the free speech rights of these establishments. The regulations in this section are adopted pursuant to, *inter alia,* Ga. Const. art. III, § VI, VII.

(b) The definitions contained in this article and in section 22-142 shall apply to this section.

(c) No person, association, partnership or corporation holding a license under chapter 22, article V, shall serve, sell, distribute or allow the consumption or possession of any alcoholic beverage or illegal controlled substance upon the premises of any such licensed establishment.

(d) The employment or use of any person, in any capacity, including but not limited to employees or an independent contractor engaged in the sale or service of food or beverages, or promotions, contests, sales, or special events, in which such person, whether an employee, or an independent contractor, patron, customer, or otherwise, exposes any portion of his specified anatomical areas as defined in section 22-142, shall be prohibited upon any premises licensed to sell, serve or dispense alcoholic beverages within the county. Such conduct shall constitute grounds for suspension and revocation of the alcoholic beverage license of any establishment licensed pursuant to this article.

(e) This section shall not apply or prohibit the live performance of legitimate plays, operas, musicals, or ballets at mainstream theaters, concert halls, museums or licensed educational institutions, which derive less than 20 percent of yearly gross receipts from the sale of alcoholic beverages.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Cross reference(s)—Amusements and entertainments, ch. 14; adult entertainment, § 22-141 et seq.

Sec. 10-56. Hearings; appeal.

(a) No license which has been issued or which may be issued by the county to any licensee shall be suspended or revoked, except for due cause as defined in subsection (d) of this section, and after an opportunity for a hearing as provided in this section.

(b) The licensee shall be given written notice of the time, place, and purpose of the hearing along with a statement of the charge, or charges, upon which such hearing shall be made.

(c) Written notice shall be given at least three days prior to any hearing; however, shorter periods of notice shall be authorized as the board of commissioners may deem the circumstances to justify.

(d) The term "due cause" for the suspension or revocation of such license shall be defined as the violation of any laws or ordinances regulating such business or violation of regulations made pursuant to authority granted for the purpose of regulating such business, or any reason which would authorize the governing body to refuse the issuance of a license.

(e) The director of the department of planning and development may suspend a license issued under this article when there is cause to believe that grounds exist for revoking the license. At the request of the license holder, a hearing shall be held at a special meeting of the board of commissioners to be called within seven days after such request is filed with the county. The board of commissioners shall affirm or reverse the suspension, suspend for a definite period, or revoke the license permanently after hearing the evidence at the next regular meeting of the board of commissioners. If the decision of the director of the department of planning and development is reversed, then the license shall be returned to the licensee immediately. A license shall not be revoked except upon action by the board of commissioners.

(f) The following minimal penalties shall apply to suspension actions taken by the director and to suspension and/or revocation actions taken by the board of commissioners:

(1) For the first violation involving the licensed establishment in question for violations of county, state or federal law regarding the sale, furnishing or distribution of beer, wine or liquor by the owner or an employee of such establishment licensed by the county, the license in question shall be suspended for six continuous days, and a fine of $1,200.00 shall be imposed.

(2) For the second violation involving the licensed establishment in question within two years prior to the current citation for violations of county, state or federal law as enumerated in this section by the owner or an employee of such establishment licensed by the county, the license in question shall be suspended for 30 continuous days, and a fine of $3,000.00 shall be imposed.

(3) For a third violation involving the licensed establishment in question within two years prior to the current citation for violations of county, state or federal law as enumerated in this section by the owner or an employee of such establishment licensed by the county, the license in question shall be revoked, and a fine of $5,000.00 shall be imposed.

(g) Whenever the state shall revoke any permit or license to manufacture or sell at wholesale or retail any malt beverages or wine, the county license to manufacture or deal in any such products shall thereupon be automatically revoked without any action by the board of commissioners.

(h) No person whose license has been suspended or revoked shall be entitled to a rebate of fees, taxes, or other expenses paid in conjunction with issuance of the license.

(i) An individual that works on the licensed premises beyond ten calendar days after their first work day without securing an alcoholic beverage handling permit shall be subject to a $100.00 fine.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-57. Notice.

For the purpose of this article, notice shall be deemed delivered when personally served or, when served by mail, within three days after the date of deposit in the United States mail.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-58. Exterior advertisement prohibited.

(a) No placard or sign which is visible from the exterior of the licensed premises shall make reference to the price of any distilled spirits sold therein, except that tags showing the prices of individual bottles or containers may be affixed to the bottles or containers or to the edge of the shelf whereon the bottles or containers are located.

(b) Advertisement of malt beverages or wines cannot be affixed or displayed in the window of any establishment licensed for retail sale. Any placards or advertisements of malt beverages or wines must be displayed from inside the location. There shall be no advertisements to the price of any malt beverages or wines visible from the outside of such establishment.

(c) No show-window advertising or display shall be visible from the exterior of the primary use structure, and no sign shall be erected anywhere within the county advertising the sale of distilled spirits by the drink.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-59. Prohibition on service of alcoholic beverages.

(a) It shall be unlawful for any person to serve, dispense, or sell an alcoholic beverage while under the influence of alcohol.

(b) Inasmuch as the alcoholic beverage handling permits granted within this chapter are not a right, but a mere grant of privilege, all persons who are granted an alcoholic beverage handling permit under this chapter shall be deemed to consent to a breathalyzer test in the event that the sheriff or his/her designee has a reasonable basis to believe that such person is serving, dispensing or selling alcoholic beverages while under the influence of alcohol.

(1) In the event that such person is found to have an alcohol concentration of 0.05 grams or more, then such person will be deemed to have been serving, dispensing or selling alcoholic beverages while under the influence of alcohol, which shall be grounds for the revocation of such person's alcoholic beverage handling permit and the imposition of administrative penalties.

(2) A refusal by such person to submit to a breathalyzer test shall be grounds for the revocation of such person's alcoholic beverage handling permit and the imposition of administrative penalties.

(c) If an employee violates this section, then the licensee shall be subject to administrative penalties.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-60. Drive-in window or curb service.

It shall be unlawful to sell alcoholic beverages from a "drive-in" or "service" window.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-61. Gift baskets.

It shall be unlawful to sell alcoholic beverages in gift baskets at retail shops that do not have county and state licenses to sell alcoholic beverages.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-62. Alcohol beverage handling permit.

(a) Managers and employees; responsibilities.

No licensee shall allow any manager or employee who is required under this chapter to secure an alcoholic beverage handling permit to work beyond ten calendar days after their first work day unless the licensee has on file, on the premises, the current, valid alcoholic beverage handling permit of each such manager or employee. An individual working on the premises beyond ten calendar days after their first work day in an establishment holding a license to sell alcoholic beverages without the required permit shall be considered in violation of this chapter, and the employee and licensee shall be subject to administrative penalties. An individual that works on the licensed premises beyond ten calendar days after their first work day without securing an alcoholic beverage handling permit shall be subject to the penalty provisions contained in section 10-56.

(b) Alcoholic beverage handling permit application process.

(1) All persons involved in the selling of alcoholic beverages at package stores and all persons involved in the sale or service of alcoholic beverages at businesses which hold a license to sell alcoholic beverages for on premises consumption shall not work more than ten calendar days after the date of their first work day without first securing an alcoholic beverage handling permit.

(2) In order to apply for an alcoholic beverage handling permit, the applicant must submit an application which shall include, but shall not be limited to, the applicant's full legal name, date of birth, and social security number. In the event that the applicant has already secured employment where an alcoholic beverage handling permit is required, the applicant shall also list the name and address of the licensee on the application. The applicant shall also certify that he or she has read and understands the legal restrictions related to the handling and sales of alcoholic beverages and the consequences that may be imposed if the applicant does not comply with such restrictions.

(3) A complete set of fingerprints of each applicant for a new alcoholic beverage handling permit shall be required.

a. Authority. This subsection is enacted pursuant to O.C.G.A. § 35-3-35(a)(1.2), the Georgia Umbrella Statute entitled "Dissemination of information to public agencies, political subdivisions, authorities, and instrumentalities."

b. Fingerprinting required. An individual seeking to receive an alcoholic beverage handling permit shall be required to be fingerprinted as a condition of submitting an application for a new alcoholic beverage handling permit. By filing such application, the applicant consents to the county obtaining their criminal history record information (CHRI) from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI). At the time of the renewal, the applicant shall authorize the county to request a new criminal history record information (CHRI) from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI).

c. Access authorized; usage regulations.

(1) The county is hereby authorized to access national criminal history record information pursuant to O.C.G.A. § 35-3-35(a)(1.2).

(2) Information obtained and handled for any purposes pursuant to this subsection shall comply with all Georgia laws and the Federal Privacy Act.

(3) No information given as part of the request for a criminal history and no record obtained pursuant to this section may be entered on any database.

(4) No information given or obtained pursuant to this section shall be subject to the provisions of the Georgia Open Records Act.

d. Administration; fees; procedures.

(1) Applicant shall provide his/her fingerprints, which shall be taken by the Sheriff's Office of Rockdale County.

(2) The applicant shall bear the cost of the electronic fingerprinting performed by the Rockdale County Sheriff's office, which shall be the maximum allowed by statute.

(3) Upon receipt of the fingerprints and the appropriate fees, the sheriff's office will transmit said fingerprints and appropriate fees to the GCIC. As provided by law, the GCIC will compare the subject's fingerprints against its criminal file and submit the fingerprints to the FBI for a comparison with nation-wide records, unless submission to the FBI is automatic pursuant to the use of live-scan. The results of the FBI check will be returned based on its current procedure, presently being directed to the county sheriff's office.

(4) In compliance with Federal Law 95-544, which provides for the rendering of a "fitness determination," the county will decide whether the applicant has been convicted of, or is under pending indictment for enumerated disqualifiers, as set forth within this chapter.

(5) A person who has consented to the county for a criminal history based on fingerprinting record may request and receive a copy of the criminal history record report from the sheriff's office. Should the person seek to amend or correct the record, he or she shall be responsible for contacting the GCIC as to Georgia records and/or the FBI concerning records from other jurisdictions maintained in its file.

(6) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-63. Considerations for granting applications for alcoholic beverage handling permits.

(a) The board of commissioners or his/her designee shall have the discretion to grant or refuse to grant any application for an alcoholic beverage handling permit hereunder; however, the board of commissioners or his/her designee shall consider the following matters in connection with each application for an alcoholic beverage handling permit, which said considerations are deemed to be in the public interest and welfare, as follows:

(1) Whether the applicant has had any alcoholic beverage handling permit issued by the county or by any other licensing authority in the state relating to the sale or service of alcoholic beverages suspended within the past five years or revoked within the past ten years;

(2) Whether the applicant has been dishonorably discharged from the armed services of the United States;

(3) Whether the applicant is 18 years of age or older;

(4) Whether the applicant is a citizen of the United States or a resident of Georgia;

(5) Whether the applicant's reputation, character, and mental and physical capacity indicate an ability to competently fulfill the functions and duties performed by those holding alcoholic beverage handling permits;

(6) Whether the applicant has been convicted of, pled guilty to, or entered a plea of nolo contendre to, or is presently charged with any felony, any misdemeanor involving moral turpitude, any criminal offense related to lottery rules or regulations, any offense related to illegal gambling, soliciting for prostitution, pandering, letting of premises for prostitution, keeping a disorderly place, any offense related to the illegal possession or sale of illegal drugs or alcoholic beverages, any sex offense found in O.C.G.A. Title 16, Chapter 6 or any similar violation found in any other State or federal statute, any charges related to the manufacture or sale of alcoholic beverages, or a second offense of driving under the influence of alcohol within the last five years;

(7) Whether the applicant has been found to have violated any law, regulation or ordinance relating to the sales or service of alcoholic beverages within a five-year period immediately preceding the date of the application for an alcoholic beverage handling permit; and,

(8) Whether the applicant has failed to meet any other criteria specified by this chapter or state law.

(b) The board of commissioners or his/her designee has the discretionary authority to consider any other objective criteria that is rationally related to the application, including any extenuating circumstances which may reflect favorably or unfavorably on the applicant, when making a decision to approve or deny an alcoholic beverage handling permit. If, in the judgment of the board of commissioners or his/her designee, circumstances are such that granting the alcoholic beverage handling permit would not be in the best interest of the general health, safety, and public welfare, such circumstances shall be grounds for denying the application.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-64. Denial of applications for alcoholic beverage handling permits.

(a) If an application for an alcoholic beverage handling permit is denied, the board of commissioners or his/her designee shall notify the applicant that the applicant's application was denied. The applicant will be provided an explanation in writing as to the basis for the denial of the application.

(b) All alcoholic beverage handling permits issued hereunder shall remain the property of the county and shall be produced for inspection upon the demand of the sheriff or his/her designee. Such permits shall be present on the premises at all times while the permittee is working. Any permit that is issued through administrative error may be rescinded by the Board of commissioners or his/her designee.

(c) No person shall be issued an alcoholic beverage handling permit if it is determined that the person knowingly and willfully falsified, concealed, or covered up any material fact by any device, trick, or scheme while making application to the director of planning and development or his/her designee or to the sheriff or his/her designee for an alcoholic beverage handling permit under this chapter. Any such act on the part of an applicant shall also be a violation of this chapter and shall be punishable as set forth elsewhere within this chapter.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-65. Continuing duty to report criminal convictions.

All alcoholic beverage handling permit holders shall have a continuing duty to notify the department of planning and development in writing in the event that the alcoholic beverage handling permit holder is charged with, is convicted of or pleads guilty or nolo contendre to any criminal offense under the laws of this state or any other state or other jurisdiction after an alcoholic beverage handling permit has been granted.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-66. Alcoholic beverage handling permit; renewal.

Any alcoholic beverage handling permit issued hereunder shall expire one year from the date of issuance, unless earlier rescinded by the board of commissioners or his/her designee. All persons holding alcoholic beverage handling permits and seeking to renew such permits shall submit an application to renew their permits in advance of the expiration date on forms prescribed by the department of planning and development. Upon receipt of the background check information, the county shall have 30 calendar days to review such completed renewal application. Handling alcohol without a valid permit is expressly prohibited. In the event that the county does not issue a decision on the completed renewal application within this time period, then the application fee shall be refunded to the applicant and shall be waived with respect to the present renewal application only.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-67. Required workshop.

(a) Within 90 calendar days of obtaining an alcoholic beverage handling permit, all employees involved in the sale or service of alcoholic beverages at package stores or for consumption on the premises will be required to provide proof of satisfactory completion of a Responsible Alcohol Sales and Services (RASS) workshop. Such certificate shall be maintained at the licensed premises and available for inspection during normal business hours. A copy of such certificate for every employee who was involved in the sale or service of alcoholic beverages during the prior year shall be attached to the licensee's yearly renewal application. A licensee's failure to require such employees to obtain such certification shall be grounds for the imposition of administrative penalties. In addition, each employee shall attach a copy of his or her certificate to any renewal application for his or her alcoholic beverage handling permit. The failure of a permitted alcoholic beverage handler to obtain such certification shall also be grounds for the imposition of administrative penalties on the licensee.

(b) All employees involved in the sale or service of alcoholic beverages at package stores or for consumption on the premises will be required to provide proof of satisfactory completion of a RASS workshop once every three years. In the event that said employee has not satisfactorily completed a RASS workshop within the last three years, then that employee shall be deemed to be in violation of this section and shall be subject to administrative penalties. Further, the alcoholic beverage handling permit of such employee shall not be renewed until such time as the employee satisfactorily completes a RASS workshop. The failure of a permitted alcoholic beverage handler to comply with this requirement shall also be grounds for the imposition of administrative penalties on the licensee.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-68. Off-premises sale of alcoholic beverages for catered functions.

(a) In addition to the occupation tax requirements, the following requirements shall apply to the licensing and operations for sales of alcoholic beverages off-premises for catered functions. Should this section conflict with any other provisions of this chapter or the occupation tax requirements of chapter 86, then this section shall control.

(b) Any applicant who holds a license issued by the county under the terms and conditions set forth in section 10-131 to sell malt beverages or wine by the drink for consumption on the premises may be issued an off-premises license that authorizes such applicant to sell malt beverages or wine by the drink off-premises and in connection with an authorized catered function. For purposes of this section, the term "authorized catered function" may include a function held inside a publicly or privately owned building or structure that is located within the unincorporated areas of Rockdale County.

(c) Any applicant who holds a license issued by the county under the terms and conditions set forth in section 10-131 which authorizes the applicant to sell distilled spirits by the drink for consumption on the premises may be issued an off-premises license which authorizes such applicant to sell distilled spirits by the drink off-premises and in connection with an authorized catered function. For purposes of this section the term "authorized catered function" may include a function held inside a publicly or privately owned building or structure that is located within the unincorporated areas of Rockdale County.

(d) In order to distribute or sell distilled spirits, malt beverages or wine at an authorized catered function, an applicant shall be required to:

(1) Apply to the department of planning and development for an alcoholic beverage special event permit. The application shall include the name of the applicant; the date, address and time of the event; and the applicant's alcoholic beverage license number.

(2) If applicable, provide satisfactory reports as required to the state on forms provided by the state, stating the quantity of any and all alcoholic beverages transported from the applicant's primary premises to the location of the authorized catered function and such other information as may be required by the state.

(3) If applicable, maintain original event permits and documents in the vehicle transporting the alcoholic beverage to the catered function at all times.

(4) Pay an alcoholic beverage special event permit fee according to the fee schedule approved by the board of commissioners.

(e) The sheriff's office and the department of planning and development or their designees shall review the applicant's application and supporting documentation. Based upon the requirements set forth in this section, the board of commissioners or his/her designee shall either approve or deny, in writing, said alcoholic beverage special event application.

(f) All alcoholic beverage special event license applications must be submitted at least 30 calendar days prior to the planned special event.

(g) No limitations will be applied as to the number of alcoholic beverage special event license applications made by a retail consumption dealer in any one calendar year.

(h) The restrictions set forth in the section 10-135, hours of operation, shall apply to all sales of alcoholic beverages at authorized catered functions.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Secs. 10-69—10-80. Reserved.

#### DIVISION 2. DISTILLED SPIRITS

Sec. 10-81. Scope of division.

In addition to the general business license requirements of this Code and division 1 of this article, the following sections of this division shall apply to the licensing and operation of retail and wholesale distilled spirits establishments and the manufacturing of distilled spirits in the county; and should any section of this division conflict with other provisions in this article or the general business license requirements of this Code, then this division shall control.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-82. Additional application requirements.

All applicants for a license to sell distilled spirits for off-premises consumption shall submit as part of the application a scaled drawing of the location of the proposed premises showing the distance to the nearest church or school and a plat of survey signed by a registered surveyor that such location complies with the distance requirements of section 10-94.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-83. Issuance of license limited to designated areas.

(a) *Manufacturer's license.* No manufacturer's license shall be issued to a manufacturer engaged in distilling or blending alcoholic beverages except where such business is to be located in an area of the county which is zoned M-2 (general industrial).

(b) *Wholesaler's license.* No license shall be issued to a wholesaler of alcoholic beverages except where the wholesale business is to be located in any area of the county which is zoned M-1 (limited industrial) or M-2 (general industrial).

(c) *Packaged distilled spirits.* No license to engage in the sale of packaged liquors at retail shall be granted except in an area zoned C-1 (local commercial) or C-2 (general commercial).

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-84. Number of licenses per person limited.

No person shall hold a beneficial interest in more than two licenses issued under this division.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-85. Restrictions on other mercantile establishments.

A licensee of a retail establishment under this division shall not operate the business in connection with any other mercantile establishment. No retailer under this division shall sell, offer for sale, display, or keep in stock at his place of business where packaged distilled spirits are offered for sale any other commodity except the following, all of which may be sold by the retailer at his option:

(1) Beverages containing no alcohol and commonly used to dilute distilled spirits, but no beverages of any kind may be opened or consumed in the place of business.

(2) Wines, malt beverages or beer, when properly licensed.

(3) Tobacco products.

(4) Packaged ice.

(5) Paper, styrofoam or plastic cups.

(6) State-approved lottery tickets and related state-approved lottery materials, but only if the retail dealer is a state-approved retail lottery dealer location.

(7) Bar supplies, subject to state regulatory limitations.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-86. Hours of operation.

(a) *Retail distilled spirits.* The exterior entrances of retail licensed stores under this division must be locked no later than 12:00 a.m. (midnight). Licensees shall not engage in the sale of any liquors except between the hours of 7:00 a.m. and 12:00 a.m. (midnight), Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday.

(b) *Wholesalers.* The business hours of any wholesale distilled spirits licensee shall be from 7:00 a.m. until 8:00 p.m., Monday through Saturday.

(c) *Sundays.* A license for the sale of distilled spirits at retail shall permit the place of business to be open for the sale of alcoholic beverages on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-87. Retail sale or delivery to unlicensed premises.

It shall be unlawful for any retail licensee under this division to make deliveries of any alcoholic beverages by the package beyond the boundaries of the premises covered by the license.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-88. Allowing minors on licensed premises.

No person who holds a license to sell distilled spirits shall allow any minor to frequent or loiter about the premises of the licensee unless such minors are accompanied by a parent or legal guardian.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-89. Requirements of wholesalers generally.

All wholesale dealers or distributors shall be licensed by the state revenue department and shall comply with all laws and regulations of the state revenue department before they sell or deliver any distilled spirits in the county. Deliveries and sales shall be made only to retailers licensed under the provisions of this division, and all deliveries shall be made in conveyances owned and operated by the wholesale dealers or distributors.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-90. Retailers to purchase from licensed wholesalers only.

Retail dealers in distilled spirits licensed under the provisions of this division shall not buy or accept deliveries of distilled spirits from wholesalers, dealers, or distributors except such as are licensed by the state revenue department.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-91. Regulations governing retail storage.

All licensed retailers under this division shall store all distilled spirits on the premises for which the license was issued and at no other place. All distilled spirits stock shall be available at all times for inspection by the director of the department of planning and development or his designee. Any distilled spirits found in any retailer's stock that is sold or distributed by a wholesaler who is not licensed in accordance with state law shall be subject to immediate confiscation.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-92. Invoices.

(a) Upon each delivery by a licensed wholesaler to a licensed retailer under this article, an invoice in triplicate shall be prepared, showing the quantities and brands of distilled spirits delivered, together with the price thereof and the excise tax due and collected thereon. The original of such invoice shall be delivered by the wholesaler to the retailer simultaneously with such delivery. The wholesaler shall retain the second copy of such invoice and shall keep it for a period of 12 months after the date of delivery; and during the 12-month period, such invoices shall be made available for inspection by the director of the department of planning and development or his designee. Upon request, a copy of the invoice shall be attached to any reports requested or required by the county.

(b) Each retail licensee under this division shall keep and maintain the original invoice of each sale to or purchase by the licensee from any wholesaler of distilled spirits for at least 12 months after the date of the purchase and shall maintain records to show the sales of distilled spirits and any other records required by the county. The county officials mentioned in subsection (a) of this section shall have the right to inspect the records of each licensee at any time. Failure of a licensee to properly maintain records showing receipt of distilled spirits, payment therefor, and payment records, which clearly show the sales, the amount of sales, and the types of sales of each licensee may result in the revocation or suspension of the license.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-93. Posting of chapter provisions.

All holders of distilled spirits licenses under this division shall keep a copy of this article posted in the licensed premises and shall thoroughly familiarize themselves and thoroughly instruct each employee of the establishment with respect to the terms hereof.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-94. Distance requirements.

(a) No person knowingly and intentionally may sell or offer to sell any distilled spirits for off-premises consumption:

(1) Within 200 yards of any school or educational grounds, or college campus;

(2) Within 200 yards of any alcoholic treatment center owned and operated by the state or any county or municipal government in the state; or

(3) Within 200 yards of any church, synagogue, mosque or other place of worship.

(4) Within 200 yards of any residentally zoned parcel.

(b) No new or relocating business shall receive a license to sell distilled spirits for off-premises consumption if such business is within 1,000 yards of any other business licensed to sell distilled spirits for off-premises consumption, as measured by the most direct route of travel on the ground; provided, however, that this limitation shall not apply to any hotel licensed under O.C.G.A. Tit. 3 Ch. 4. The restriction provided for in this subsection shall not apply at any location for which a license was issued and continuously renewed prior to July 1, 1997, nor to the renewal of such license. Nor shall the restriction of this subsection apply to any location for which a new license is applied for if the sale of distilled spirits was lawful at such location at any time during the 12 months immediately preceding such application.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017; Ord. No. 2023-30, § I, 12-12-2023)

Secs. 10-95—10-110. Reserved.

#### DIVISION 3. BEER AND WINE

Sec. 10-111. Scope of division.

In addition to the general business license requirements of this Code and division 1 of this article, the following sections of this division shall apply to the licensing and operation of retail and wholesale malt beverages or vinous liquor establishments in the county; and should any section of this division conflict with other provisions in this article or the general business license requirements of this Code, then this division shall control.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-112. Additional application requirements.

All applicants for a license to sell malt beverages or vinous liquor for off-premises consumption shall submit as part of the application a scaled drawing of the location of the proposed premises showing the distance to the nearest church or school and a plat of survey signed by a registered surveyor that such location complies with the distance requirements of section 10-115.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-113. Licenses limited to certain locations.

No licenses under this division, except as may be authorized elsewhere in this article, shall be issued to any applicant who is not the owner or operator of an established business engaged in the retail sales of staple groceries and who does not carry a current inventory of at least $2,000.00 in retail value of such grocery items in stock for retail sale to the general public.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-114. Hours of operation.

(a) *Retail malt beverages and wine.* Licensees in the sale of retail malt beverages and vinous liquors shall be allowed to engage in the sale of such beverages for 24 hours a day Monday through Friday, on Saturday until 12:00 midnight, and on Sunday from 12:30 p.m. until 11:30 p.m.

(b) *Wholesalers.* The business hours of any wholesaler of malt beverages and vinous liquors shall be from 7:00 a.m. until 8:00 p.m. Monday through Saturday.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-115. Distance requirements.

(a) No person knowingly and intentionally may sell or offer to sell for off-premises consumption any malt beverages or vinous liquors within 100 yards of the following:

(1) Any school or educational grounds, college campus; or

(2) Any alcoholic treatment center owned and operated by the state or any county or municipal government in the state.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Secs. 10-116—10-130. Reserved.

#### DIVISION 4. CONSUMPTION ON THE PREMISES

Sec. 10-131. Scope of division.

In addition to the general business license requirements of this Code and division 1 of this article, the following sections of this division shall apply to the licensing and operation of all establishments selling alcoholic beverages for consumption on the premises.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-132. Additional application requirements.

All applicants for a license to sell alcoholic beverages for consumption on the premises shall submit as part of the application a scaled drawing of the proposed premises showing the distance to the nearest alcoholic treatment center owned and operated by the state or any county or municipal government therein and a plat of survey signed by a registered surveyor that such location complies with the distance requirements of section 10-138.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-133. License limited to certain businesses.

(a) With the exceptions of the County Auditorium, the Black Shoals Retreat House, and Costley Mill Park, licenses for the sale of alcoholic beverages for consumption on the premises shall be limited to restaurants, indoor commercial recreational establishments, golf courses, private clubs, hotels, nightclubs, lounges, and performing arts facilities, as defined in section 10-31.

(b) In addition to the requirements in subsection (a) above, businesses licensed for the sale of alcoholic beverages for consumption on the premises must either:

(1) Derive at least 50 percent of their total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; or

(2) Derive at least 50 percent of their total annual gross income from the rental of rooms for overnight lodging.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-134. Right to multiple licenses.

A licensee for the sale of distilled spirits for consumption on the premises shall also have the right to serve malt beverages or wine, provided he or she shall secure a license therefor.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-135. Hours of operation.

(a) Malt beverages, vinous liquors or distilled spirits may be sold for consumption on the premises:

(1) Between the hours of 7:00 a.m. and 3:00 a.m. of the following morning on Monday through Friday,

(2) Between the hours of 7:00 a.m. on Saturday and 1:00 a.m. of the following Sunday morning with each and every customer being required to vacate the premises by 2:00 a.m. of said Sunday morning; and

(3) Between the hours of 11:00 a.m. and 12:00 a.m. (midnight) on Sunday.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017; Ord. No. 2020-01, § 1, 1-28-2020)

Sec. 10-136. Courtyard and patio areas.

(a) For the purposes of this division, an establishment may include a courtyard and/or patio area subject to the following conditions:

(1) The courtyard and/or patio shall be used merely as an extension of the seating area, and the serving area shall be contained wholly within the principal premises or establishment.

(2) Service shall be only by waiter or waitress or by customer self-service at an interior selling location (i.e., no outside bar or service window).

(3) No outside entertainment or amplified music shall be allowed, and the establishment shall be subject to such other reasonable noise and nuisance regulations as deemed advisable by the county or its departments.

(4) No additional license shall be required for service on a courtyard or patio area; however, the licensee must apply for an amendment to his consumption-on-the-premises license to reflect the additional service area, and such application shall be accompanied by two copies of plans of the proposed courtyard or patio area and be subject to the approval of the inspection department, the fire department, and any other interested department.

(5) The courtyard and/or patio area shall be adequately illuminated for the safety of the patrons.

(6) Setback lines and buffer requirements in the county zoning ordinance of chapter 130 must be observed.

(7) All courtyards, patios, or combinations thereof shall be completely enclosed by a fence that is at least four feet in height from existing grade. Such fence shall be designed so as to ensure that no person can enter such courtyard or patio area from the exterior of the licensed establishment.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-137. Certain practices prohibited.

(a) No licensee or employee or agent of a licensee shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:

(1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage.

(2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price.

(3) Selling, offering to sell, or delivering to any person or persons any alcoholic beverage at a price less than half the price customarily charged for such alcoholic beverage, provided, nothing contained in this division shall be construed to prohibit reducing the price of a drink or drinks by up to half the price customarily charged;

(4) Increasing the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage.

(5) Selling, offering to sell, or delivering to any person or persons, any alcoholic beverage made with more than three ounces of distilled spirits.

(6) No licensee or employee or agent of a licensee, in connection with the sale of alcoholic beverages for consumption on the premises shall:

(7) Offer any free alcoholic beverage to any person or group of persons;

(8) Deliver more than one alcoholic beverage to one person at one time; with the exception of any one and one-half ounce serving of a distilled spirit at such time the customer is in possession of a malt beverage.

(9) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.

(10) Require or allow the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the previous alcoholic beverage has been consumed or otherwise discarded; with the exception of any one and one-half ounce serving of a distilled spirit at such time the customer is in possession of a malt beverage.

(11) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a).

(12) Nothing in this section shall prohibit the delivery of a bottle of wine to the patrons of a restaurant for consumption during the course of a meal.

(13) No consumption on the premises licensee shall sell, offer to sell or deliver alcoholic beverages, including malt beverages, in any container that holds more than 32 fluid ounces at any one time to one person.

(14) A consumption on the premises licensee may sell, offer to sell or deliver alcoholic beverages, including malt beverages, in a pitcher containing not more than 64 fluid ounces to a group of persons consisting of at least two or more persons.

(b) For the purposes of this section, the term "customarily charged" shall mean the price regularly charged for such alcoholic beverage during the same calendar week.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-138. Distance requirements.

(a) With the exceptions of the County Auditorium, the Black Shoals Retreat House, and Costley Mill Park, no person knowingly and intentionally may sell or offer to sell any alcoholic beverage for consumption on the premises:

(1) Within 200 yards of any school or educational grounds, or college campus;

(2) Within 100 yards of an alcoholic treatment center owned and operated by the state or any county or municipal government in the state;

(3) Within 100 yards of any church, synagogue, mosque or other place of worship;

(4) Within 200 yards of certain residential districts, to wit, zoning districts defined as W-P, A-R, R-1, R-1B, CRS, R-2 and M-H, however, golf course clubhouses located within residential developments shall be excluded from this distance provision;

(5) Within 200 yards of any public library; or

(6) Within 100 feet of zoning districts defined as RM or R-3 multifamily.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-139. Sale of alcoholic beverages by certain nonprofit organizations.

(a) Upon the filing of an application and payment of a fee established by the board of commissioners and, after review by the director of the department of planning and development or his designee, the board of commissioners may issue a temporary license authorizing a nonprofit civic organization to sell alcoholic beverages for consumption on the premises only, for a period not to exceed three days, subject to any law regulating the time for selling such beverages.

(b) No more than four temporary licenses may be issued to any nonprofit organization in any one calendar year pursuant to this section.

(c) Temporary licenses issued pursuant to this section shall be valid only for the place specified in the temporary license.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-140. Sale or delivery off premises.

(a) It shall be unlawful for any licensee of a retail establishment permitted to sell distilled spirits hereunder to make deliveries of any alcoholic beverages by the package beyond the boundaries of the premises covered by the license.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Secs. 10-141—10-170. Reserved.

### ARTICLE III. EXCISE TAX[[9]](#footnote-9)

Sec. 10-171. Levy and computation.

(a) In addition to all other taxes or license fees imposed upon retail dealers selling any malt beverages, wine or spirituous liquors for retail package or by-the-drink sales in the unincorporated areas of the county, there is hereby levied and imposed upon each such retail dealer the following excise taxes:

(1) Upon the sale of any malt beverages, there is imposed an excise tax of $0.05 per 12-ounce container and $6.00 for each container of tap or draft beer of 15½ gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

|  |  |  |
| --- | --- | --- |
| Quantity | Size | Tax |
| 24 | 7 oz. | $ 0.70 |
| 24 | 8 oz. | 0.80 |
| 24 | 12 oz. | 1.20 |
| 24 | 14 oz. | 1.40 |
| 24 | 16 oz. | 1.60 |
| 12 | 32 oz. | 1.60 |
| ½ BBL | 15½ gals. | 6.00 |
| 1 BBL | 31 gals. | 12.00 |

(2) Upon the sale of any wine there is imposed an excise tax of $0.22 per liter.

(3) Upon the sale of any spirituous liquors there is imposed an excise tax of $0.22 per liter.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-172. Reports; payment; records.

(a) Each wholesale dealer selling to any retail dealer in the county to whom the taxes in this article apply shall file a report with the county by the tenth day of each month, itemizing for the preceding calendar month the exact quantities of all beverages by size and type of container sold within the county. The report shall show the name and address of each retail dealer with which the wholesaler did business in the county and any other information as may be required by the county chairperson for the administration of this article.

(b) Each wholesale dealer under this article shall collect from the retail dealers in the county under this article, at the time of delivery of any alcoholic beverages, any tax due the county under this article and hold the tax in trust for the county until the tax is remitted to the county as provided in this article.

(c) The report shall be accompanied by remittance to the county of all taxes due under this article for the preceding month.

(d) Each wholesale dealer under this article shall keep true and correct records, including invoices, of all sales, shipments or deliveries of beverages to retail dealers in this county. These records shall be preserved for at least one year and shall be made available on request for inspection by any authorized representative of the county.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-173. Violations; penalty; revocation of license.

(a) *Purpose and penalty.* The excise tax levied in this article is hereby levied upon the retailer licensed to do business in the county and it is the intent of this section to so levy this tax but require the payment of the tax at the time of delivery by the wholesaler to the retailer, who shall have the responsibility of remitting the tax to the county on behalf of the retailer on or before the tenth day of each calendar month, as required in this article. If the tax due under this article is not paid on or before the tenth day of each calendar month, a 15 percent penalty on the gross tax shall be levied by the county against each defaulting retailing licensee for whom the tax is not paid on or before the tenth day of the month. An additional 15 percent penalty shall be levied for each successive 30-day period after the first such period for nonpayment.

(b) *Noncompliance by wholesale dealer.* If any wholesale dealer or distributor fails or refuses to make the reports required in this article, the county shall notify the dealer or distributor in writing and if the reports are not made and the taxes remitted within five days from the date of the notice, the wholesale dealer or distributor shall be prohibited from making any further deliveries in the county and the retail licensees served and the wholesale dealer or distributor from whom the taxes have not been paid shall be subject to having their license suspended or revoked as provided in this article.

(c) *Unlawful retail sales.* It shall be a violation of this article for any person, firm, or corporation to sell at retail within the unincorporated areas of the county any alcoholic beverages on which the taxes provided for in this article have not been paid.

(d) *Unlawful deliveries.* It shall be unlawful and a violation of this article for any wholesale dealer or distributor, person, firm or corporation to deliver any alcoholic beverages to any retail dealer in the unincorporated areas of the county without at the time of the delivery collecting the excise taxes provided for in this article.

(e) *Violation and penalties.* Any person, firm or corporation violating any of the provisions of this article or who shall assist any retail dealer in alcoholic beverages in the county to evade or avoid the payment of the taxes provided in this article shall be guilty of a violation of this section and on conviction thereof in the magistrate court shall be punished as provided in section 1-11. Any such person so convicted shall also be subject to having any business license of the county issued to the person suspended or revoked.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Sec. 10-174. Definitions.

For purposes of this article, the definitions in article II of this chapter shall apply. In addition, the term "wine" shall be synonymous with "vinous liquors" as defined in section 10-31, and the term "spirituous liquors" shall be synonymous with "distilled spirits" as defined in section 10-31.

(Ord. 0-2017-20, § 1(Exh. A), 9-19-2017)

Cross reference(s)—Definitions generally, § 1-2.

## Chapter 14 AMUSEMENTS AND ENTERTAINMENTS[[10]](#footnote-10)

Sec. 14-1. Definitions.

The definitions used in section 86-31 of this Code shall likewise apply to this chapter.

(Code 1978, § 7-1001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 14-2. Game devices.

(a) An annual business license tax of $25.00 is hereby levied upon each game device commercially operated by any person, firm, partnership or corporation licensed or doing business under the provisions of this section, with the total amount that would be collected per year per premises not to exceed $500.00. Such tax shall be levied in addition to that business license fee and occupational tax provided under section 22-31. For purposes of this section, the owner or lessee of the business premises in which a game device is located shall be considered doing business and shall be responsible for payment of the tax imposed under the provisions of this section.

(b) A game device, as used in this section, shall include but shall not be limited to pool tables, billiard tables, pinball machines, electronic Ping-Pong, electronic tennis, video games and other similar devices.

(c) Application, registration, collection and enforcement of the tax levied in this section shall be governed by all applicable provisions of chapter 22, article II.

(d) The license tax levied under this section shall be calculated based upon the total number of game devices maintained on the business premises, and an additional tax shall not be required where one game device operated on the business premises is replaced by another game device provided the total number of devices operated does not exceed the total number of devices for which a license tax has been levied and paid for the applicable annual period.

(e) The license tax shall be due and payable on January 1 of each year. A penalty of ten percent of the license tax shall be assessed against any person, firm, partnership, corporation or other entity described in this section who shall fail to pay the license tax by March 1 of each year when the tax is due, or within 30 days after the device is placed on the premises.

(f) Any game device placed in a business premises after January 1 of the year shall be taxed at the full fee for the remainder of the year without proration.

(g) Upon payment of the license tax levied under this section, a game device permit shall be issued which shall indicate in bold letters the number of game devices registered for that particular business premises. Such permit shall be prominently displayed at or near the location of the game devices.

(h) Section 1-11 shall apply as a penalty for the violation of this section.

(Code 1978, § 7-6001)

## Chapter 18 ANIMALS[[11]](#footnote-11)

### ARTICLE 1. IN GENERAL

Sec. 18-1. Definitions.

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

*Abandoned animal* means an animal that has been intentionally or willfully deserted by its owner or custodian by the placing of the animal upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for.

*Abandonment* means the intentional or willful forsaking of any animal by its owner, custodian or person responsible for the care of an animal, without making reasonable arrangements for the adequate care and custody of the animal to be assumed by another person or the failure to return and resume responsibility of an animal at the designated time as arranged with the care giver, to include failing to reclaim an animal from the Rockdale County Animal Services Shelter.

*Adequate care* means exhibiting attention to the needs of an animal, including but not limited to, the provision of food, water, shelter, sanitary, safe and healthy conditions, and adequate and timely veterinary medical attention necessary to maintain good health for the specific age, size, species, and breed of animal.

*Adequate food* means sufficient quantity of non-contaminated and nutritionally healthy sustenance that is appropriate to the species, breed, size, age and health of the animal, or at the direction of a licensed veterinarian; which is sufficient to prevent starvation, malnutrition, or risk to the animal's health. Garbage, spoiled, rancid, or contaminated food is not adequate food.

*Adequate shelter* means a protective covering for an animal that is of adequate size and provides adequate protection to maintain the animal in a state of good health, and that prevents pain, suffering, or significant risk to the animal's health. It should also be clean, dry, and compatible with current weather conditions. The structure should be sufficient size to allow the animal to stand, turn around, lie down, and go in and out of the structure comfortably.

*Adequate veterinary care* means medical care of an animal from or under the direction of a veterinarian and necessary to maintain the health of an animal based on the age, species, breed, etc., of the animal, or to prevent an animal from suffering from:

(a) Ongoing infections;

(b) Infestation of parasites;

(c) Disease; or

(d) Any other medical condition/injury where withholding or neglecting to provide such care would:

1. Endanger the health or welfare of the animal; or

2. Promote the spread of communicable diseases.

*Adequate water* means clean, fresh, drinkable water sufficient to prevent dehydration and properly sustain health presented in a clean dish, free from contamination. Examples of inadequate water include, but are not limited to, snow, ice, and rancid/contaminated water.

*Animal at large* means an animal not under restraint or voice control and off the property of its owner. If an animal has no known owner or keeper, then it shall be considered "at large" when on any public or private property.

*Animal control officer* means a person employed and authorized by the governing authority or by law to enforce the provisions of this chapter.

*Certificate* means a certificate of vaccination on a form furnished or approved by the Georgia Department of Public Health.

*Fence* means:

(a) Structure of wire, wood, stone, or other materials which is of sufficient height and strength to act as a barrier against passage of the animal or animals it is intended to enclose.

(b) Invisible containment systems in which a collar provides an electric shock which prevents an animal from leaving the property of its owner provided the animal is a dog which is neither classified as vicious or dangerous nor in estrus. If an invisible containment system is in use:

(1) A sign must be visibly posted on the property indicating that the system is in place.

(2) The system must effectively restrain the animal.

*Owner* means any natural person or any legal entity owning, keeping, harboring, possessing, or having custody or control, or acting as caretaker or custodian of any domesticated animal, having a right of property in an animal, or any person who permits an animal to remain on his premises within Rockdale County. An animal shall be deemed to be harbored if it is fed and/or sheltered for seven or more consecutive days, unless ownership is understood to have been willingly taken through adoption, foster, purchase, and/or other acceptance of responsibility.

*Proper enclosure* means an enclosure that meets all of the following criteria:

(1) A structure which is suitable to prevent the entry of young children and to prevent the dog from escaping;

(2) A structure with secure sides and a secure top attached to all sides;

(3) A structure whose sides are so constructed at the bottom so as to prevent the dog's escape by digging under the sides. The sides must either be buried two feet into the ground or sunken into a concrete pad;

(4) A structure which provides appropriate protection from the elements for the dog. The structure must contain adequate shelter inside it;

(5) A structure which is inside a perimeter or area fence;

(6) The gate to the structure shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

*Rabies vaccination tag* means a tag furnished or approved by the Georgia Department of Public Health and which tag shall be worn by the vaccinated dog at all times.

*Rockdale County Animal Services Shelter,* or *animal shelter,* means the facility designated by the Rockdale County Board of Commissioners for the impoundment, restraint, care, detention, and disposition of animals.

*Spay/neuter certificate* means documentation that certifies that the animal listed therein has been sterilized as of the date of surgery.

*Sterilized animal* means an animal that has been surgically or chemically altered by a licensed veterinarian in order to render the animal incapable of reproduction.

*Vaccinate, inoculate* shall mean the injection of a specified dose of anti-rabies vaccine by a veterinarian into the proper sit of an animal, such vaccine having the U.S. Department of Agriculture Veterinary Biologies Control Section License number approval stamped on the label of the container and having been approved by the Georgia Department of Public Health.

*Vaccine* means an injectable material containing killed or attenuated rabies virus, licensed by the United States Department of Agriculture, Veterinary Biologies Section, and approved by the Georgia Department of Public Health. Vaccine used for the purpose of this rule shall be stored at the temperature prescribed on the purchase label. Outdated vaccine shall not be used.

*Veterinarian* shall mean any person who holds a degree of doctor of veterinary medicine (DVM).

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 2, 8-10-21)

Sec. 18-2. Interpretation of chapter; conflicting provisions.

(a) Where there is a conflict among articles or sections within this chapter, the article or section which is more restrictive shall apply.

(b) Definitions in one article of this chapter may be used to define terms in other parts of this chapter unless it is clear from the context that the definition does not apply.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-3. Adoption of article by municipalities within county boundaries.

In accordance with state law, the Rockdale County board of commissioners may enter into agreements with the municipalities located within territorial limits of Rockdale County, Georgia to provide animal control services within the corporate limits of such municipality. Pursuant to such agreement, any municipality in the county may adopt this article. Any municipality adopting this ordinance must authorize the enforcement of the municipal ordinance by the Rockdale County Animal Care and Control. Municipal ordinances must provide that the incorporated areas shall be subject to the fees charged by Rockdale County Animal Care and Control and that all fees charged by the Rockdale County Animal Care and Control shall be retained by the county.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-4. Fees.

Where not otherwise specified, fees and costs referred to in this chapter shall be established from time to time by the board of commissioners and posted publicly at the Rockdale County Animal Services Shelter. The fees established and collected under this chapter are not penalties but are imposed for the sole purpose of defraying expenses borne by the county for animal control and welfare under this chapter. Any such moneys received in connection with the enforcement of this chapter shall be paid to the county.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 2, 8-10-21)

Sec. 18-5. Training guard or protection dogs.

(a) It is unlawful to train and/or own a guard or protection dog, unless the trainer/owner holds a state kennel license, a county business license, and maintains at all times either a policy of insurance or a surety bond in a minimum amount of $100,000.00 to cover claims for any personal injuries inflicted by the dog or dogs being trained, which policy or surety bond shall be issued by an insurer or surety, as the case may be, authorized to transact business in this state.

(b) It is unlawful to train a guard or protection dog on public property, including, but not limited to public parks.

(c) For the purposes of this section, 'guard or protection dog' means any dog trained for the purpose of protecting individuals from assault and/or preventing property loss or damage.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-6. Penalty.

Except as otherwise provided in this chapter, any person who does anything prohibited or fails to do anything required by this chapter, upon issuance of a citation and conviction of the violation in a court of competent jurisdiction, shall be subject to fine and/or imprisonment in accordance with section 1-11 of the Code of Rockdale County, Georgia. Should the penalty for an ordinance violation be modified by Georgia law, such modification shall become automatically effective with the respect to this section.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Secs. 18-7—18-10. Reserved.

### ARTICLE 2. ANIMAL SERVICES[[12]](#footnote-12)

Sec. 18-11. Animals creating nuisances.

(a) It shall be unlawful for the owner of an animal or the individual in possession of the property upon which the animal is located at the time of the offense to allow that animal to bark, whine, howl, crow, or cause other sound or noise for a sustained period of time which is plainly audible to a person of ordinary hearing ability provided, however, that no conviction of this offense shall occur if the evidence demonstrates that, at the time the animal is emitting such sound or noise, a person is trespassing or threatening to trespass upon property in or upon which the animal is situated or if the noise is the result of an intentional provocation by another person. An animal for the purposes of this section shall include but not be limited to dogs, cats and fowl.

(b) For the purposes of this section, the term "sustained period of time" shall be defined as a period of time during which the animal barks, whines, howls, crows or makes noise continuously and/or incessantly for a period of 15 minutes or more, or makes such noise intermittently for 30 minutes or more.

(c) No person shall be found guilty of a violation of subsection (a) of this section unless such person shall have been given notice of the disturbing noise in accordance with the following procedure:

(1) Upon determination by any person that a violation of the provisions of subsection (a)of this section has occurred or is occurring, such person or his agent shall file a report with Rockdale County Animal Services, which shall include the name, address, and phone number of the person filing the report; violators address, animal description and detailed complaint. An animal control officer shall respond to the complaint by leaving a written or verbal warning with the violator.

(2) Subsequent to filing a complaint as set out in subsection (c)(1) of this section, the complainant must video the animal making such disturbances for a period of 15 minutes or longer or intermittently for 30 minutes or more. It is recommended that the complainant make the recording from a deck or window of the complainant's home. The complainant cannot provoke the animal during the video recording. Audio proof will not be accepted.

(3) Along with the video proof of the disturbances, the complainant shall keep a log over a period of seven days detailing the animal disturbances. The complainant or his agent shall bring video proof and copy of the log to the Rockdale County Animal Services staff member for review.

(4) Once Rockdale County Animal Services reviews the video proof and log, it will be up to the animal services manager or his/her designee to determine if proof will be substantial to issue a citation for the violation. If Rockdale County Animal Services finds the proof to be substantial, then a citation will be issued to the violator/animal owner and a subpoena will be issued to the complainant. Rockdale County Animal Services cannot stand trial or serve as a witness for this violation.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 4, 8-10-21)

Sec. 18-12. Duty of owner to keep dog under control.

(a) It shall be unlawful for the owner of any dog or anyone having a dog in their possession and control to allow the dog to run at large or permit the dog to be out of control unattended on or about the streets, right-of-ways, and/or highways of Rockdale County; in any park, except in county parks that are specifically designated as off leash areas; unattended on or about the common property of any apartment complex or condominium community; or on the property of another person without permission of the owner or occupant of that property.

(b) For the purposes of this section, a dog is considered to be under control if it is within the property limits of its owner or custodian and under the immediate supervision of the responsible party, confined within an enclosure, controlled by a leash, is at heel, or is beside a competent person and obedient to that person's commands. Dogs left on the owner's or custodian's property unsecured, unconfined, or unattended are not deemed to be under control and are subject to impoundment.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 5, 8-10-21)

Sec. 18-13. Duty to restrain dog while off property.

A dog shall be on a leash and under the control of a competent person while off of its owner's property. This shall include all public areas and parks, except in county parks that are specifically designated as off leash areas; unattended on or about the common property of any multi-family residential dwelling complex community; or on the property of another person without permission of the owner of that property. This shall also apply to dogs engaged in an approved dog show, agility, or other event requiring the dog to perform while off leash but under the control of the handler. This section shall not apply to dogs being used for hunting in accordance with state law, rules and regulations, or dogs engaged in police activity.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-14. Humane treatment of animals.

(a) No person, corporation, or other entity having an animal in its possession and/or control shall fail to provide such animal sufficient food, a constant source of potable water, sanitary living conditions, shelter or adequate protection from the elements. Veterinary care, when needed to prevent suffering to such animal shall be provided; and such animal shall be treated with humane care at all times.

(b) No person shall, by act, omission or neglect, cause unjustifiable physical pain, suffering, or death to animal, beat, ill-treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit combat between animals.

(c) No person or corporate entity having an animal in its possession and/or control shall abandon such animal on public or private property or fail to reclaim said animal from the animal services shelter.

(d) No person shall expose any animal to a known poisonous substance that may be eaten by any animal, whether mixed with food or not. It shall not be unlawful for a person to use common rat and insect poisons on their own property.

(e) When an owner or other responsible person receives a citation pursuant to this section, the animal(s) who condition provided the basis for the citation may be impounded immediately by animal services officers for the purpose of seeking veterinary care for such animal(s). The animal(s) may remain impounded pending disposition of the citation by the court, and any incurred veterinary or related expenses may be ordered paid as restitution by the court.

(f) This section shall not be construed to limit in any way the authority or duty of any law enforcement officer, animal services officer, rabies control officer, humane society, or veterinarian.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 6, 8-10-21)

Sec. 18-15. Tethering.

(a) It shall be unlawful for the owner of any dog or anyone having a dog in his possession and control to restrain or anchor a dog to a stationary object by means of a tether, chain, cable, rope or cord. A dog shall not be considered tethered when the dog is attached to a stationary object, as long as the owner or custodian is physically within reach of the dog.

(b) As a means of restraint which is clearly set upon owner's legal property lines, a dog may be attached to a running cable line or trolley system providing that:

(1) A running cable line or trolley system remains within the property limits of the owner;

(2) Only one dog may be attached to each running cable line or trolley system;

(3) No dog may be attached to a running cable line or trolley system for more than 12 hours in a 24-hour period;

(4) No dog may be attached to a running cable line or trolley system between the hours of 10:00 p.m. and 6:00 a.m.;

(5) Tethers and cables attaching the dog to the running cable line or trolley system must be made of a substance which cannot be chewed by the dog and shall not weigh more than five percent of the body weight of the dog tethered;

(6) A running cable line or trolley system must have a swivel installed at each end and be attached to a stationary object that cannot be moved by the dog;

(7) The running cable line or trolley system must be at least ten feet in length and mounted at least four feet and no more than seven feet above ground level;

(8) The length of the tether from the running cable line or trolley system to the dog's collar should allow access to the maximum available exercise area and allow the dog free access to food, water, and shelter;

(9) Be attached to a properly fitted harness or collar not used for the display of a current rabies tag and other identification; and with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited for the purpose of tethering a dog to a running cable line or trolley system; and

(10) Be tethered at sufficient distance from any other objects to prohibit the tangling of the cable, from extending over an object or an edge that could result in injury of strangulation of the dog and be of sufficient distance from any fence so as to prohibit the dog access to the fence.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-16. Prohibited animals.

It shall be unlawful to purchase, sell, own, possess, harbor, and/or breed skunks, foxes, prairie dogs, raccoons, coyotes, wolves, hybrid wolves, any hybrid animal that is part wild animal, exotic cats or any other native or nonnative wile animals unless licensed by the respective federal agency or Georgia Department of Natural Resources to possess such animal.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 7, 8-10-21)

Secs. 18-17—18-20. Reserved.

### ARTICLE 3. IMPOUNDMENT

Sec. 18-21. Powers and duties of animal control officer.

The animal control officer shall be primarily responsible for the enforcement of this chapter, and their duties shall include but not be limited to the following:

(a) Cooperation with the county board of health in the enforcement of rabies control regulations and of animal control directives.

(b) Cooperation in the promotion of animal control and welfare.

(c) Taking up and impounding animals that are in violation of this chapter, using any and all means available which are humane in nature.

(d) Keeping a record of the number and description of all animals impounded or otherwise taken into custody, showing in detail in the case of each animal a general description by sex, breed and approximate age, together with any identification tag, vaccination tag or other marking, including microchipping, and the date of receipt.

(e) Entering onto private property for the limited purposes of capturing animal deemed to be out of control, abandoned, or in need of medical treatment, and for the impounding of animals needing to be quarantined.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 8, 8-10-21)

Sec. 18-22. Interference with officer.

(a) It shall be unlawful for any person to interfere with, hinder or assault an animal control officer or other authorized officer in the performance of their duty, or seek to release or take any animal in the custody of the animal care and control department.

(b) Any person who shall hinder, delay, interfere with or obstruct any animal control officer or other authorized officer while engaged in capturing, securing or taking to the animal shelter any animal or animals liable to be impounded, or who shall break open in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be deemed in violation of this section; this shall include removing any animal from a county trap and/or destroying, stealing, or not returning said trap to the county following its permissible use.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-23. Impoundment; redemption; adoption; disposition.

(a) *Impoundment.* Animals within any of the following classes may be impounded by an animal services officer:

(1) Animals (excluding felines) running at large in violation of this chapter;

(2) Animals that have been abandoned;

(3) Animals subjected to inhumane treatment in violation of section 18-14;

(4) Animals which have bitten a person or which have been bitten by an animal suspected of having rabies;

(5) Animal suspected of having rabies; and

(6) Unconfined dogs in quarantine areas.

(b) *Redemption.* It shall be the responsibility of Rockdale County Animal Services to notify the owner of each dog impounded if the owner of the dog is known or can be reasonably ascertained. The owner of any dog impounded may, within 72 hours, reclaim the dog by the payment of a reasonable administrative impoundment fee and boarding fee as set by the Rockdale County Board of Commissioners for each day the dog was impounded and the cost of rabies inoculation if the dog impounded was not wearing a current rabies inoculation tag, or it the owner of the animal does not have a current rabies inoculation certificate. In addition, the following minimal penalties for violation of this section shall apply:

(1) First violation: an impound fee of an amount established in the Rockdale County Animal Services Fee Schedule for a first violation.

(2) Second violation within 12 months immediately following the first violation: an impound fee of an amount established in the Rockdale County Animal Service Fee Schedule for a second violation shall be imposed, and the owner shall be responsible for having the dog implanted with a microchip identifier within 30 days of violation, or ensure an existing microchip is updated with the owner's current information.

(3) Third violation within 12 months immediately following the first violation: an impound fee of an amount established in the Rockdale County Animal Services Fee Schedule for a third violation shall be imposed, and the owner shall be responsible for having the dog spayed or neutered by a licensed veterinarian within 30 days of reclaim; however, the dog shall not be spayed or neutered if a minimum of two licensed veterinarians each provide a written statement that spay or neuter would be medically unsafe for the dog.

(c) *Adoption.* Rockdale County Animal Services may offer for adoption to any person, not limited by this chapter, any animal unredeemed or unclaimed by the owner after 72 hours and upon compliance with the following provisions:

(1) Payment of the adoption fee as set from time to time by the board of commissioners in the Rockdale County Animal Services Fee Schedule and cost of rabies inoculation, if needed.

(2) All fertile dogs and cats adopted from Rockdale County Animal Services shall be neutered or spayed before going to the new adopted home. This shall not apply to licensed rescue groups adopting animals from the animal services shelter. The licensed groups will be required to spay or neuter the animals after taking possession of the animals in accordance with Georgia Department of Agriculture rules and regulations.

(3) The person or organization seeking to adopt a dog or cat that is not old enough or healthy enough, as deemed by a licensed veterinarian, to be spayed or neutered before going into the new home, will be given an appointment date to return the animal to the contracted vet for the County to have the procedure completed by the date approved from the contracted veterinarian. Failure to comply will result in a citation issued for violation of this section.

(4) Upon complete of neutering or spaying within the period specified by this section, the person or organization who adopted the dog or cat shall provide proof of the sterilization to Rockdale County Animal Services within ten days of sterilization.

(5) In the event, and for whatever reason, to include the giving of an animal to another individual or organization, the animal is no longer in the possession of the person or organization who adopted the animal, the person or organization shall sign an affidavit as to the whereabouts of the animal. Any such transfer shall not release the adopter from the contract.

(6) No person in the same household, nor any corporation, institute, or other entity, may adopt more than four animals within any 12-month period; however, nothing shall prohibit the Rockdale County Animal Services Manager to donate more than four animals in a 12-month period if the donation is in the best interest or welfare of the animal or is in the best interest of public safety.

(d) *Disposition.* If a dog or cat is not claimed by the owner within the time prescribed or adopted, then it shall be the duty of the Rockdale County Animal Services to dispose of it in as humane and painless manner as possible.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 9, 8-10-21)

Sec. 18-24. Disposition of injured, seriously ill or diseased animals.

Any animal impounded or seized by an animal control officer, or surrendered to animal care and control evidencing advanced symptoms of contagious, infectious or fatal diseases, is seriously ill or severely injured, animal care and control shall seek the services of a licensed veterinarian who will determine whether to treat the animal or humanely euthanize the animal; or in the absence of an available veterinarian, the animal control officer may concur with a superior on duty. This action may be taken to control the spread of disease or to eliminate any further pain and suffering of an animal. Every attempt will be made to stabilize an owned animal to afford the owner the opportunity to reclaim the animal, with the exception of feral cats. Once said feral cat has undergone an accepted temperament test and no proof of ownership can be determined, said animal shall be humanely euthanized without an additional hold.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-25. Limiting adoptions.

(a) Rockdale County Animal Services reserves the right to refuse to allow any person to adopt an animal in its custody or control. Any individual wishing to adopt an animal from the county must provide proof or ownership or residence, or permission of the property owner for the animal to reside at a particular location. No person who surrenders ownership of an animal to the county may adopt an animal for a period of three years after the surrender, without a written waiver from the Rockdale County Animal Services Manager.

(b) Animals not placed for adoption through Rockdale County Animal Services may be made available to adoption facilitators and organization on a first come first served basis. Adoption facilitators and organizations must provide proof of Georgia state licensing prior to adopting each individual animal. Adoption facilitators and organizations may be required to pay an adoption facilitator/rescue fee and shall reimburse Rockdale County for any medical care/testing done on the animal by the county or its agents.

(c) All animals housed in the shelter are at the final discretion of the Rockdale County Animal Services Manager.

(d) Any person convicted of cruelty, neglect, or abandonment of animals will not be allowed to adopt an animal from the animal services shelter for three years after the date of conviction, without written waiver from the Rockdale County Animal Services Manager.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 10, 8-10-21)

Secs. 18-26—18-30. Reserved.

### ARTICLE 4. RABIES CONTROL

Sec. 18-31. Rabies control/animal control officer.

(a) The rabies control officer shall be the animal control officer and/or any other designated agent of the county health department.

(b) Duties of the rabies control officer will include:

(1) Investigate and maintain a record of animal bites in the county.

(2) Provide for proper confinement of an animal involved in a bite incident.

(3) Provide stray animal pickup service.

(4) All duties required under this chapter.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-32. When collar and tag required.

(a) For each dog three months of age or older, it shall be the duty of the dog owner or custodian to provide a collar and affixed current rabies inoculation tag issued by a veterinarian licensed to practice veterinary medicine in the state. The collar and tag shall be worn at all times; except that the wearing of the collar and tag is not required for dogs participating in a dog show, dogs residing in licensed kennels, or in veterinary clinics or dogs being used for hunting purposes and the owner or person in possession of the dog has a valid hunting license in their possession.

(b) It shall be unlawful for any person to attach a vaccination tag or license tag to the collar of any animal for which it was not issued.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 11, 8-10-21)

Sec. 18-33. Rabies cases to be reported.

It shall be the duty of any person knowing of a rabid animal or of an animal showing rabid symptoms, to immediately report such animal to the Rockdale County Animal Services Shelter and give as much pertinent information as possible.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 2, 8-10-21)

Sec. 18-34. Quarantine.

(a) Where rabies has been found to exist in an animal or where its existence is suspected, the animal control division manager or his/her designee may designate an area within which quarantine of all such animals shall be maintained and all such animals shall thereupon be immediately confined to the premises designated by the animal control division manager or his/her designee in a manner approved by the state and county health officials, whether or not such animal has been vaccinated against rabies.

(b) No animal shall be removed from or brought into a quarantined area or premises without prior approval of the animal control division manager or his/her designee.

(c) Quarantine ordered by the animal control division manager or his/her designee shall be maintained for such period as the animal control division manager or his/her designee deems necessary to protect the public health.

(d) Quarantined areas or premises and areas where an animal that has tested positive for rabies shall be posted by the animal control division manager or his/her designee with signage notifying the public that a rabid animal has been confirmed in the area. Such signage shall be conspicuously displayed in the place designated by the animal control division manager or his/her designee and shall not be defaced or removed except by the animal control division manager or his/her designee. Signage shall be approved by the animal control division manager or his/her designee.

(e) The owner or custodian of each animal subject to quarantine, which is designated to be no longer than 120 calendar days, invoked by the Rockdale County Animal Services Manager or his/her designee for examination by the Centers of Disease Control State Lab.

(f) The heads of all animals suspected of having had rabies at time of death and came into direct contact with other animals or humans, shall be submitted to the animal control division manager or his/her designee for examination by the Centers for Disease Control State Lab.

(g) A 10-day quarantine from date of bite shall be required for any animal who bites or scratches a human and breaks skin which caused bleeding in any manner.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 12, 8-10-21)

Secs. 18-35—18-40. Reserved.

### ARTICLE 5. DANGEROUS DOGS AND VICIOUS DOGS

Sec. 18-41. Definitions.

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

*Animal control board* means the board created as set forth in section 2-138 of the Code of Rockdale County, Georgia.

*Animal control officer* means the employee(s) designated by the Rockdale County Board of Commissioners to aid in the administration and enforcement of the provisions of this article.

*Animal control shelter* means the facility designated by the board of commissioners for the impoundment, restraint, care, detention and disposition of animals.

*Classified dog* means any dog that has been classified as either a dangerous dog or vicious dog pursuant to this article.

*County* means the incorporated and unincorporated areas of Rockdale County, Georgia.

*Dangerous dog* means any dog that:

(1) Causes a substantial puncture of a person's skin by teeth without causing serious injury; provided, however, that a nip, scratch, or abrasion shall not be sufficient to classify a dog as dangerous under this subsection;

(2) Aggressively attacks in a manner that causes a person to reasonably believe that the dog posed an imminent threat of serious injury to such person or another person although no such injury occurs; provided, however, that the acts of barking, growling, or showing of teeth by a dog shall not be sufficient to classify a dog as dangerous under this subsection; or

(3) While off the owner's property, kills a pet animal; provided, however, that this subsection shall not apply where the death of such pet animal is caused by a dog that is working or training as a hunting dog, herding dog, or predator control dog.

*Mail* means to send by certified mail or statutory overnight delivery to the recipient's last known address.

*Owner* means any natural person or any legal entity, including, but not limited to a corporation, partnership, firm, or trust, owning, possessing, harboring, keeping or having custody or control of a dog within the county. In the case of a dog owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

*Proper enclosure* means an enclosure on the owner's property for keeping a dangerous dog or vicious dog in a locked pen, fence, or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and, in the case of a vicious dog, a secure top, and if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape either from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

*Serious injury* means any physical injury that creates a substantial risk of death; results in death, broken or dislocated bones, lacerations requiring multiple sutures, or disfiguring avulsions; requires plastic surgery or admission to a hospital; or results in protracted impairment of health, including transmission of an infection or contagious disease, or impairment of the function of any bodily organ.

*Vicious dog* means a dog that inflicts serious injury on a person or causes serious injury to a person resulting from reasonable attempts to escape from the dog's attack.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, §§ 2, 13, 8-10-21)

Sec. 18-42. Application of provisions.

(a) Any dog classified prior to July 1, 2012, as a potentially dangerous dog in the State of Georgia shall on and after that date be classified as a dangerous dog pursuant to this article and in compliance with O.C.G.A. § 4-8-33.

(b) Any dog classified prior to July 1, 2012, as a dangerous dog or vicious dog in the State of Georgia shall on and after that date be classified as a vicious dog under this article and in compliance with O.C.G.A. § 4-8-33.

(c) The owner of any dog referred to in this section shall come into compliance with all current provisions of this article by \_\_\_\_\_\_\_\_\_\_\_\_\_.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-43. Liability of county; liability of owner.

Pursuant to Georgia law, under no circumstance shall the county or any employee or official of the county be held liable for any damages to any person who suffers an injury inflicted by a dog as a result of a failure to enforce the provisions of this article.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-44. Investigations by animal control officer; owner's responsibilities.

(a) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within a animal control officer's jurisdiction, such officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog.

(b) If a dog, without a current and valid rabies vaccination, bites or scratches any person, it shall be the duty of the owner having possession and knowledge of such to arrange for quarantine and confinement of such dog as set forth in article 4 of this chapter. If it is determined that the dog is rabid, then the dog is to be destroyed in an expeditious and humane manner. If the dog is found to not be rabid, such dog may be claimed upon proof of a current rabies vaccination and an enclosure deemed proper by the animal control officer. When observation period as determined by the animal control division manager is satisfied, the owner of such dog shall have 72 hours to claim such dog.

(c) If a dog, with a current and valid rabies vaccination, bites any person, it shall be the duty of the owner, or person having possession of such dog and knowledge of such bite, to confine such dog for a 10-day period in an enclosure deemed appropriate and designated by the animal control division manager or his/her designee.

(d) A dog, which has not been classified a dangerous or vicious dog, may be removed from the proper enclosure restriction after satisfying the requirements of the 10-day confinement period.

(e) The owner of a dog, which has been classified a dangerous dog or a vicious dog, must continue confinement of the dog in a proper enclosure as long as the dog is so classified.

(f) In the event an owner of a dog fails or refuses to abide by this section, the animal control officer is hereby authorized and empowered to confiscate such dog, confine it at the expense of such owner at a veterinary hospital or at the Rockdale County Animal Services Shelter for such time it deems necessary in order to observe whether the dog is rabid. In the event the veterinary hospital or Rockdale County Animal Services Shelter determines the dog to be rabid, then such dog is to be destroyed in an expeditious and humane manner.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, §§ 2, 13, 8-10-21)

Sec. 18-45. Procedures for classification as dangerous dogs or vicious dogs.

(a) Any irregularity in classification proceedings shall not be a defense to any prosecution under this article so long as the owner of the dog received actual notice of the classification and did not pursue a civil remedy for the correction of the irregularity. The animal control division manager shall have the final say whether or not a dog will be classified.

(b) When a animal control officer determines that a dog is subject to classification as a dangerous dog or vicious dog, the animal control officer shall mail a dated notice to the dog's owner within 72 hours. Such notice shall include a summary of the animal control officer's determination and shall state that the owner has a right to request a hearing from the animal control board on the animal control officer's determination within seven days after the date shown on the notice. The notice shall also provide a form for requesting the hearing and shall state that if a hearing is not requested within ten calendar days, the animal control officer's determination shall become effective for all purposes under this article. If an owner cannot be located within ten days of a animal control officer's determination that a dog is subject to classification as a dangerous dog or vicious dog, such dog may be released to an animal shelter or humanely euthanized, as determined by the animal control officer. No dog shall be classified as a dangerous dog or vicious dog for actions that occur while the dog is being used by a law enforcement or military officer to carry out the law enforcement or military officer's official duties. No dog shall be classified as a dangerous dog or a vicious dog if the person injured by such dog was a person who, at the time, was committing a trespass, was abusing the dog, or was committing or attempting to commit an offense under O.C.G.A. tit. 16, ch. 5.

(c) During the pendency of any hearing or appeal or a determination that a dog is a dangerous or vicious dog as provided for in this section, the owner of the dog shall confine the dog at the expense of the owner, at a veterinary hospital, licensed kennel facility, or in a proper enclosure deemed suitable by the manager of animal services.

(d) If an owner fails or refuses to abide by subsection (c) of this section, the animal control officer is authorized and empowered to confiscate such animal, confine it at the expense of such owner at a veterinary hospital, kennel facility, or proper enclosure deemed suitable by the animal control officer during the pendency of any hearing or appeal mentioned in the subsection (c) of this section.

(e) When a hearing is requested by a dog owner in accordance with subsection (b) of this section, such hearing shall be scheduled within 30 days after the request is received; provided, however, that such hearing may be continued by the animal control board for good cause shown. At least ten days prior to the hearing, the animal control department shall mail to the dog owner written notice of the date, time, and place of the hearing. At the hearing, the dog owner shall be given the opportunity to testify and present evidence and the animal control board shall receive other evidence and testimony as may be reasonably necessary to sustain, modify, or overrule the animal control officer's determination.

(f) Within ten days after the date of the hearing, the animal control board shall complete all necessary forms and provide same to animal care and control, following receipt of same, animal care and control shall mail written notice of the board's determination on the matter within two business dates of receipt. If such determination is that the dog is a dangerous dog or a vicious dog, the notice of classification shall specify the date upon which that determination shall be effective. If the determination is that the dog is to be euthanized pursuant to subsection (h), the notice shall specify the date by which the euthanasia shall occur.

(g) After notification from the hearing board that a dog has been determined to be a dangerous or vicious dog, the owner of such dog shall have three business days within which to pick up his dog from the boarding facility; provided the owner is in compliance with all requirements of this article. After such notification, the owner may appeal from any adverse decision rendered by the animal control board in such manner as provided by the laws of the State of Georgia. Written notification of such an appeal shall be given immediately to the Rockdale County Sheriff's Office for service of said appeal.

(h) A dog that is found, after notice and opportunity for hearing as provided in this section, to have caused a serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012 shall count for purposes of this subsection.

(i) Pursuant to O.C.G.A. § 4-8-25, the judge of the Superior Court may order the euthanasia of a dog, if the court finds after notice, and opportunity for hearing as provided by O.C.G.A. § 4-8-23, that the dog has seriously injured a human or presents a danger to humans not suitable for control under, and the owner or custodian of the dog has been convicted of a violation of any state criminal law, and the crime was related to such dog; and, any local governmental authority has filed with the court a civil action requesting the euthanasia of the dog.

(j) Penalties for violation of the dangerous and vicious dogs article:

(1) First Offense: A fine of at least $500.00

(2) Second Offense: A fine of at least $750.00

(3) Third and Subsequent Offenses: A fine of $1,000.00 in addition to 60 days in the Rockdale County Jail.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, §§ 13, 14, 8-10-21)

Sec. 18-46. Requirements for possessing classified dogs.

(a) It is unlawful for an owner to have or possess within the county a classified dog without a certificate of registration issued in accordance with the provisions of this section. Each and every animal classified under this section must be either spayed or neutered within 30 days of classification before being eligible for issuance of a certificate of registration. Certificates of registration shall be nontransferable and shall be issued to a person 18 years of age or older. No more than one certificate of registration shall be issued per domicile.

(b) Subject to the additional requirements of this article, a certificate of registration for a dangerous dog shall be issued if the animal control officer determines that the following requirements have been met:

(1) The owner has maintained a proper enclosure designed to securely confine the dangerous dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the dangerous dog from leaving such property; and,

(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides; and,

(3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog; and,

(4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least $100,000.00 of the maximum amount authorized by Georgia law issued by an insurer authorized to transact business in this state insuring the owner of the dangerous dog against liability for an bodily injury or property damage caused by the dangerous dog; and,

(5) The owner will pay an initial registration fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule and then an annual renewal fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule.

(c) Except as otherwise provided in this article, a certificate of registration for a vicious dog shall be issued if the animal control officer determines that the following requirements have been met:

(1) The owner has maintained a proper enclosure designed to securely confine the vicious dog on the owner's property, indoors, or in a securely locked and enclosed pen, fence, or structure suitable to prevent the vicious dog from leaving such property; and,

(2) Clearly visible warning signs have been posted at all entrances to the premises where the dog resides, and,

(3) A microchip containing an identification number and capable of being scanned has been injected under the skin between the shoulder blades of the dog, and,

(4) The owner maintains and can provide proof of general or specific liability insurance in the amount of at least $300,000.00 or the maximum amount authorized by Georgia law issued by an insurer authorized to transact business in this state insuring the owner of the vicious dog against liability for any bodily injury or property damage caused by the vicious dog; and,

(5) The owner will pay an initial registration fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule and then an annual renewal fee as set by the board of commissioners in the Rockdale County Animal Services Fee Schedule.

(d) The owner of a classified dog shall notify the animal control officer, within 24 hours if the dog is on the loose, is unconfined, has attacked a human, has died or been euthanized, or has been sold or relocated. If the dog has been sold or relocated, the owner shall also provide the animal control officer with the name, address, and telephone number of the new owner of the dog. A vicious dog shall not be transferred, sold, or donated to any other person unless it is relinquished to a governmental facility or veterinarian to be euthanized.

(e) The owner of a classified dog shall notify the animal control officer if the owner is moving out of the county. The owner of a classified dog who moves to the county from another jurisdiction within the State of Georgia shall register the classified dog with the county within ten days of becoming a resident and notify the animal control officer of the jurisdiction from which he or she moved. The owner of a similarly classified doc who is a new resident of the state of county shall register the dog as required in this section within 30 days of a becoming a resident.

(f) Issuance of a certificate of registration or renewal of a certificate of registration by the animal control officer in the county does not warrant or guarantee that the requirements specified in this section are maintained by the owner of a classified dog on a continuous basis following the date of the issuance of the initial certificate of registration or following the date of any annual renewal of such certificate.

(g) An animal control officer is authorized to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article. Pursuant to Georgia law, law enforcement agencies, including those of the county and the municipalities within the county, will cooperate with animal control officers in enforcing the provisions of this article.

(h) At the time of renewal of a certificate of registration, in addition to any regular dog licensing fees, an animal control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the classified dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this article. Failure to renew a certificate of registration within ten days of the renewal date or initial classification date shall constitute a violation of this article.

(i) No certificate of registration shall be issued to any person who has been convicted of two or more violation of this article.

(j) No certificate of registration for a vicious dog shall be issued to any person (or to any person residing with such person) who has been convicted (from the time of conviction until two years after completion of his or her sentence) of:

(1) A serious violent felony as defined in O.C.G.A. § 17-10-6.1; or

(2) The felony of dog fighting as provided for in O.C.G.A. § 16-12-37 of the felony of aggravated cruelty to animals as provided for in O.C.G.A. § 16-12-4; or

(3) A felony involving trafficking in cocaine, illegal drugs, marijuana, methamphetamine, or ecstasy as provided for in O.C.G.A. § 16-13-31.1.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 15, 8-10-21)

Sec. 18-47. Restrictions on classified dogs.

(a) It shall be unlawful for an owner of a dangerous dog to permit the dog to be off the owner's property unless:

(1) The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

(2) The dog is contained in a closed and locked cage or crate.

(b) It shall be unlawful for an owner of a vicious dog to permit the dog to be:

(1) Outside an enclosure designed to securely confine the vicious dog while on the owner's property or outside a securely locked and enclosed pen, fence, or other structure suitable to prevent the vicious dog from leaving such property unless:

a. The dog is muzzled and restrained by a leash not to exceed six feet in length and is under the immediate physical control of a person capable of preventing the dog from engaging any other human or animal when necessary; or

b. The dog is contained in a closed and locked cage or crate.

(c) No dangerous or vicious dog shall be permitted to be unattended with minors

(d) No person shall be the owner of more than one dangerous and/or vicious dog.

(e) Any person who violates this section shall be guilty of a misdemeanor of a high and aggravated nature, pursuant to O.C.G.A. § 4-8-29(c).

(f) An owner with a previous conviction for a violation of this section whose classified dog causes a serious injury to a human being under circumstances constituting another violation of this article shall be guilty of a felony and upon conviction thereof shall be punished pursuant to O.C.G.A. § 4-8-29(d). In addition to the state mandated sentencing, the classified dog shall be euthanized at the cost of the owner.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-48. Confiscation of dogs.

(a) A law enforcement officer or animal control officer shall immediately impound a dog if the officer believes the dog poses a threat to the public safety.

(b) A classified dog shall be immediately confiscated by any animal control officer or by a law enforcement officer in the case of any violation of this article. A refusal to surrender a dog subject to confiscation shall be a violation of this article.

(c) The owner of any dog that has been confiscated pursuant to this article may recover such dog upon payment of all reasonable confiscation and housing costs and proof of compliance with the provisions of this article, unless such confiscation is deemed to be in error by a animal control officer or the county animal control board. All fines and all charges for services performed by a law enforcement or animal control officer shall be paid prior to owner recovery of the dog. Criminal prosecution shall not be stayed due to owner recovery or euthanasia of the dog.

(d) In the event the owner has not complied with the provisions of this article within 14 days of the date the dog was confiscated, such dog shall be released to an animal shelter or euthanized in an expeditious and humane manner. The owner may be required to pay the costs of housing and euthanasia.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 13, 8-10-21)

Sec. 18-49. Summons.

Upon a complaint lodged with the Rockdale County Animal Services Shelter regarding any section of this article, a summons may be issued requiring the owner of any domesticated animal, or any person, firm or corporation violating any of the provisions set forth in this article to appear before a judge of the Magistrate Court of Rockdale County on a day and time certain to answer for the violation of this article. If such violation of this article has not been witnessed by an officer of the county, a subpoena may be issued to the person making the complaint, requiring such person to appear on the day and time of the hearing set by the court to testify on behalf of the county.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 2, 8-10-21)

### ARTICLE 6. ROCKDALE COUNTY DOG PARKS

Sec. 18-50. Penalty for violation of section.

Any person who is convicted of a violation of any of the provisions of this section shall be punished as provided for in section 1-11, except that the maximum fine for littering shall be $100.00 for each such conviction. Any and all other penalties shall be governed as provided by in section 70-2 as relating to all county parks and recreational facilities.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

Sec. 18-51. Regulations.

The following regulations shall apply to all public dog parks owned and/or leased by the county:

(a) The hours of operation for the Rockdale County dog parks shall be from sunrise to sundown; however, the hours may be adjusted for any facility by the director of parks and recreation of the county. No person shall remain in or upon the grounds of any public dog park during the hours when such public dog park is closed.

(b) Entrance and exit gates must be kept closed at all times.

(c) Dogs must remain leashed at all times while entering and exiting the park on a leash no longer than ten feet in length.

(d) Dogs must be removed from the park at the first sign of aggression toward another person or animal.

(e) Any and all female dogs in heat and puppies under four months of age are not allowed on premises for any reason and at any time.

(f) Owners must remain inside the park gates, with their dog's leash, within view, and within voice control of their dog at all times.

(g) No more than three dogs per person, and the individual responsible for supervising the dog must be at least 18 years of age.

(h) Children and infants must be kept under strict supervision at all times.

(i) Dogs must be legally licensed, have current vaccinations, and shall wear a visible license tag while in the dog park.

(j) Owners are fully responsible for any damages or harm done to the park, people, or other dogs during their visit.

(k) Owners are responsible for cleaning up and properly disposing of dog waste in the designated containers located at the dog park.

(l) In addition to the above regulations specific to county dog parks, all regulations as provided for in section 70-2-(b) shall apply, unless otherwise noted.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19; Ord. No. O-2021-25, § 16, 8-10-21)

Sec. 18-52. Severability.

Each section and each provision or requirement of any section of this chapter shall be deemed severable, and the invalidity of any portion of this chapter shall not affect the validity or enforceability of any other portion.

(Ord. No. 0-2019-21, §§ 2—39, 10-22-19, effective 1-1-20)

## Chapter 22 BUSINESSES[[13]](#footnote-13)

### ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

The definitions used in section 86-31 shall likewise apply to this chapter.

(Code 1978, § 7-1001)

Cross reference(s)—Definitions generally, § 1-2.

Secs. 22-2—22-30. Reserved.

### ARTICLE II. LICENSES

Sec. 22-31. License required.

Every business in the unincorporated area of the county required to pay an occupation tax under this Code is hereby required to have a business license from the county for the privilege of engaging in a business, profession or occupation within the county if such licensing is not prohibited by state law.

(Code 1978, § 7-1002)

Sec. 22-32. Application.

Every person required to procure a license under the provisions of this Code shall submit an application for the license to the department of public services and engineering, which application shall conform to the following requirements, 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 county and submitted before January 1 of each year or ten days prior to opening a new business.

(2) Each application shall contain the following information:

a. Name and home address of the applicant if an individual, or home office address if a corporation or partnership;

b. Place where the proposed business is to be located;

c. Kind of business to be 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. 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 county, state or federal government other than minor traffic violations; and

g. Any additional information which the county chairperson may find reasonably necessary to the fair administration of this chapter.

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

(4) All information furnished or secured under the authority of this Code shall be kept in strict confidence by the county, shall not be subject to public inspection, and shall be utilized solely by the officers of the county responsible for administering the provisions of this chapter.

(5) False statements on any application for a license shall be grounds for immediate revocation of the license.

(Code 1978, § 7-1003)

Sec. 22-33. Procedure for issuance.

(a) If any provision of this chapter provides for the review of an application for a license by a county officer designated therein, the department of public services and engineering 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 department of public services and engineering after receiving a copy of the application.

(b) 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 county.

(c) The provisions of article II, chapter 86 regarding occupation tax shall also apply to this chapter, and violations of such provisions shall constitute grounds for suspension or revocation of the business license pursuant to the terms of section 22-36.

(d) Upon a finding that the application is in order and that all requirements of this article and article II of chapter 86 have been met, the department shall issue a business license to the applicant therefor, which license shall state the nature of the business authorized and bear the date of issuance. The department may impose reasonable conditions on any business license when deemed necessary to clarify any limitations on the scope or duration of the license and/or assist in proper enforcement of the license.

(e) Nothing contained in this chapter shall be construed as granting any person whose business is subject to county regulation any legal right to engage in the business.

(f) Nothing contained in this chapter shall entitle a person, firm, corporation or entity to a business license unless the entity has previously met and is in compliance with all federal, state or county laws or ordinances, including, but not limited to, the following: health, zoning, professional and/or occupational qualifications, payment of all local governmental taxes, fees and charges owed by such entity, purchase of any other required permits or licenses.

(Code 1978, § 7-1004; Ord. No. 0-2008-03, § 1, 2-12-2008)

Sec. 22-34. Display of license.

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

(Code 1978, § 7-1005)

Sec. 22-35. Termination and renewal of licenses.

(a) All annual licenses shall terminate on the last day of the year when no provision to the contrary is made.

(b) Unless otherwise provided, each licensee shall make a written application for renewal on forms supplied by the county no later than January 1 of each calendar year, which application shall contain substantially the same information as the initial application.

(Code 1978, § 7-1006)

Sec. 22-36. Revocation; suspension.

The board of commissioners, after affording the licensee notice of the charges and an opportunity to be heard with respect to any revocation proceedings, may, if it finds this Code to have been violated by the licensee, agent, or employee, revoke the license in its entirety, suspend the license for a specified period of time, place the licensee on probation, or place other conditions thereon as the board of commissioners may deem necessary.

(Code 1978, § 7-1007)

Sec. 22-37. Transfer of licenses; change of location.

(a) Unless otherwise provided in this Code, a license may not be transferred to another person, new owner, or location except as follows:

(1) If the ownership and business type remains the same and only the address or business name has changed, then upon a ten-days' notice to the county and compliance with all building and zoning requirements the change shall be allowed.

(2) Any other change or transfer may be allowed at the discretion of the board of commissioners on a case-by-case basis with any restrictions as may be necessary to assure compliance with the intent of this chapter.

(b) A transfer of a business license shall not alter any liability for additional business taxes required under this Code.

(Code 1978, § 7-1008)

Sec. 22-38. Health certificate required.

(a) A business license shall not be issued or renewed to a business that does not have a current, valid health certificate if a health certificate is required for the operation of the business, provided that a conditional license may be issued for a period of 60 days so as to allow compliance with the rules and regulations of the health department.

(b) The revocation of a health certificate shall authorize the revocation or suspension of a business license. The representation that the business has a valid health certificate when such representation is false shall authorize the revocation or suspension of the business license.

(Code 1978, § 7-1009)

Sec. 22-39. Grounds for revocation; suspension by board of commissioners.

Whenever a person doing business under a county license shall violate any law or ordinance of the United States or of the state or of this county, in pursuance of that business and involving the operation of that business, or when it shall be proven before the board of commissioners that the health, morals, interest and convenience of the public demand the revocation of that license, the board of commissioners shall suspend or revoke that license.

(Code 1978, § 7-1010)

Sec. 22-40. Garage sales exempted.

(a) Garage sales shall be exempt from the licensing requirements of this article provided that such garage sales:

(1) Shall only be conducted by a private individual or group of individuals or a non-profit or charitable group;

(2) Shall be held no more than four times per calendar year per parcel of land;

(3) Shall be limited to three consecutive days per event and subject to any relevant health, zoning or other regulatory ordinances as may be in effect;

(4) Are only for the sale of used personal items and/or goods that are the property of the person(s) holding the sale and not merchandise purchased for the purpose of resale;

(5) Are not conducted as part of any for-profit business enterprise or profession.

(b) For purposes of this article the term "garage sale" shall mean the sale of used household and/or personal items or goods by an individual at their principal residence or by a group of individuals combining such household and/or personal items or goods for a group garage sale at one of their principal residences and shall include, but not be limited to yard sales, garage sales, bake sales, carport sales, estate sales, basement sales and bazaars.

(c) Signs advertising garage sales may be erected in accordance with chapter 230 of this Code.

(d) The exemption granted in this article shall not be available to flea market operators, home occupations, promoters, performances or other such enterprises or any other established commercial venture or business-related operation.

(e) All other sales of merchandise are considered retail sales, and the merchandise is considered as inventory subject to the requirements of article II, chapter 86 of this Code.

(Ord. No. 2005-09, § 1, 5-24-2005; Ord. No. 0-2012-11, § 2, 11-27-2012)

Secs. 22-41—22-70. Reserved.

### ARTICLE III. MASSAGE THERAPY

Sec. 22-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or phrase not defined in this section but otherwise defined in chapters 2, 10, 22, 30, 38, 54, 86 and 90 of this Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

*Director* means the director of the department of public services and engineering, or his designee.

*Massage, massages* and *massage therapy* mean the systematic and scientific manipulation and treatment of soft tissues of the body, including but not limited to the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of oils, lotions, creams, salt glows, hydrotherapy, heliotherapy, hot packs, and cold packs. The terms "massage," "massages" and "massage therapy" shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure for which a license to practice chiropractic, physical therapy, podiatry, or medicine is required by the state.

*Massage apparatus* means any manual, mechanical, hydraulic, hydrokinetic, electric, or electronic device or instrument or any device or instrument operated by manual, mechanical hydraulic, hydrokinetic or electric power, which is utilized by a massage therapist for the purpose of administering a massage.

*Massage apprentice* means any person who by direct or indirect physical contact with the body of another, or by use and operation of massage apparatus, administers a massage in connection with a formal program of apprenticeship and training.

*Massage establishment* means any business established for profit which employs one or more massage therapists, or operates or maintains for profit one or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

*Massage therapist* means any person who for good or valuable consideration administers a massage.

(Code 1978, § 7-7001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 22-72. Licenses/permits required.

(a) *Massage therapist license.* It shall be unlawful for any natural person to administer massages as a massage therapist without having obtained a license in accordance with the requirements of this article.

(b) *Massage establishment license.* It shall be unlawful for any person, natural or corporate, to operate a massage establishment without having obtained a license therefor; or for any person, natural or corporate, to allow a massage therapist to administer massages without having obtained a license in accordance with the requirements of this article.

(c) *Massage apprentice permit.* It shall be unlawful for any natural person to administer massages as a massage apprentice without having obtained a permit in accordance with the requirements of this article.

(Code 1978, § 7-7002)

Sec. 22-73. Scope of regulations.

(a) All licenses and permits issued under this article shall constitute a mere privilege to conduct the business so authorized during the term of the license or permit only and subject to all terms and conditions imposed by the county and state law.

(b) Nothing in this article shall be construed to regulate, prevent, or restrict in any manner: (i) any physician, chiropractor, physical therapist, or similar professional licensed and regulated by or through the state while engaged in the practice of such profession; or (ii) any hospital or other professional health care establishment separately licensed as such by the state.

(c) Except as specified in subsection (b) of this section, the requirements of this article shall be in addition to all other licensing, taxing, and regulatory provisions of local, state or federal law, and shall not authorize violations of such other applicable laws.

(Code 1978, § 7-7003)

Sec. 22-74. Application process.

(a) *Application requirements.* Any person desiring to obtain a massage establishment license or massage therapist license shall make application to the department of public services and engineering. All applications shall be sworn to by the applicant as true, correct and complete before a notary public or other officer authorized to administer oaths. All applications shall be in writing and shall set forth the following information:

(1) The full legal name of the applicant, including all aliases, nicknames, pseudonyms or trade names currently or heretofore used by the applicant;

(2) The current and all previous business and residence addresses of the applicant within the two years immediately preceding the date of application;

(3) Sworn affidavits of at least two bona fide residents of the county that the applicant is personally known to them and they believe the person to be of good moral character;

(4) Written proof that the applicant is over the age of 18 years;

(5) The applicant's height, weight and color of eyes and hair;

(6) Two current photographs of the applicant at least two inches by two inches in size;

(7) The business, occupation or employment of the applicant for three years immediately preceding the date of application;

(8) Any massage or similar business license history of the applicant, including whether such person, in any previous operation in any jurisdiction, has had such a license revoked or suspended, the reason therefor, and any business activity or occupation subsequent to the action of suspension or revocation;

(9) All convictions, pleas of guilty, or pleas of nolo contendere for violations of any law and the grounds therefor;

(10) The applicant shall be fingerprinted by the county sheriff's department, and such fingerprint card and record shall be attached as an exhibit to the application. Payment of all fees charged by the county sheriff's department in connection with this requirement shall be the responsibility of the applicant.

(11) Applicants for a massage therapist license shall provide a certificate dated within 30 days of the application from a physician licensed in the state, certifying that the applicant is in sound mental and physical health, and free of all contagious or communicable diseases;

(12) Applicants for a massage therapist license must furnish a certified copy of a diploma or certificate of graduation demonstrating compliance with section 22-75(a)(2)a, or an affidavit of the person(s) under whom an apprenticeship or practical experience was conducted demonstrating compliance with section 22-75(a)(2)b. Applicants for a massage establishment license must furnish an affidavit demonstrating compliance with section 22-75(b)(2);

(13) If the applicant is a corporation or partnership, such corporation or partnership shall submit the foregoing information and exhibits with regard to each employee, agent and partner, general or limited, associated with the operation of the licensed establishment; and

(14) If the applicant is a corporation, such corporation shall, in addition to the information required in this section, submit a complete list of the stockholders of such corporation, including names, current addresses and current occupations.

(b) *Fees.* All license applications shall be accompanied by a fee as elsewhere established by the board of commissioners to defray the costs associated with issuance of such licenses. All fees associated with the background check required by subsection (a)(10) of this section shall be the responsibility of the applicant and shall be in addition to the application fee.

(Code 1978, § 7-7004)

Sec. 22-75. Minimum standards.

(a) *Massage therapist.* No applicant shall be issued a license as a massage therapist unless both of the following standards are first met:

(1) The applicant must be of good moral character. No applicant shall be found to have met this requirement if such applicant has been convicted, pled guilty, or entered a plea of nolo contendere to any felony, or to any misdemeanor involving moral turpitude, within a period of four years prior to the filing of the application; and

(2) One of the following is established:

a. The applicant must be the holder of a diploma or certificate earned by the applicant from a professionally recognized school, representative of the fact that the applicant attended a course of massage therapy education and study consisting of a curriculum of anatomy and physiology, basic massage theory, technique and clinical practice, approach to massage, allied modalities and disease awareness, and other such subjects; or

b. The applicant must have had an apprenticeship and practical experience for a period of not less than 500 hours in a regularly licensed massage establishment or hospital or other professional health care establishment separately licensed as such by the state, in which the applicant has received massage therapy training and experience in anatomy and physiology, basic massage theory, technique and clinical practice, approach to massage, allied modalities and disease awareness, and other such subjects.

(b) *Massage establishment.* No applicant shall be issued a license for a massage establishment unless all of the following standards are first met:

(1) The applicant, including the partner applying on behalf of a partnership and an agent applying on behalf of a corporation, must be of good moral character. No applicant shall be found to have met this requirement if such applicant has been convicted, pled guilty, or entered a plea of nolo contendere to any felony, or to any misdemeanor involving moral turpitude, within a period of four years prior to the filing of the application;

(2) A corporate applicant must be chartered under the laws of the state or authorized by the secretary of state to do business in this state. The applicant shall be the owner or legal agent of the establishment. A massage therapist who is a sole proprietor shall not be required to obtain a massage establishment license;

(3) A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided also that all such signs shall comply with the sign requirements of this Code;

(4) Minimum lighting shall be provided in accordance with the Uniform Building Code, and, additionally, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth;

(5) Examining tables and other equipment in the establishment shall be specifically designed for and appropriate to the provision of professional therapeutic massage and related therapy. Ordinary beds shall not be permitted in any licensed massage establishment;

(6) Minimum ventilation shall be provided in accordance with the Uniform Building Code; and

(7) The establishment, prior to the issuance of any license under this article, must be in compliance with all applicable building and life safety codes, and the building to be occupied must have a valid, current certificate of occupancy.

(Code 1978, § 7-7005)

Sec. 22-76. Issuance of license.

(a) *Review of applications.* If a license application is submitted in proper form including all information and exhibits required in this article and accompanied by the correct fees, the application shall be accepted and a review of the application and an inspection and investigation shall be conducted by the director. The director shall transmit a copy of the completed application to the county sheriff's department. Upon the payment by the applicant of the required fees, the county sheriff, or his designee, shall cause to be conducted a background investigation of the police record and character and reputation of the applicant, and shall transmit a summary of the investigation results to the director.

(b) *Action on applications.* Upon receipt of this background investigation, and completion of review of the application in accordance with the terms of this article, the director shall act on the application. The director shall deny any application that:

(1) Fails to meet each of the application requirements specified in this article;

(2) Fails to meet each of the minimum standards specified in section 22-75; or

(3) Contains false information in the application or attached documents.

Otherwise, the director shall approve the application and the license shall be issued by the department of public services and engineering upon the payment of any applicable county business or occupation tax. All licenses issued pursuant to this article shall be valid for a period of one year. If an application for a license is denied under this article, the applicant shall not be authorized to reapply for such denied license for a period of one year from the date of denial.

(c) *Appeals of denials of applications.* If the director denies a license or apprentice permit application, such denial shall be in written form, addressed to the applicant at the application address, and shall state the grounds upon which the denial is based. Within ten days of the date of issuance of such notice, the applicant may appeal the denial by submitting a written notice of appeal to the board of commissioners. The board of commissioners shall schedule a hearing on the appeal within 30 days of receipt of the notice of appeal and shall provide written notice thereof to the appellant. At the hearing, the appellant and the director may each present evidence relating to the grounds for denial. The appellant may be represented by counsel at such hearing or may appear in his own behalf. The board of commissioners shall decide the appeal within a reasonable time. An appeal shall be sustained upon a finding by the board that the director's action was based on an erroneous finding of a material fact, or that he acted in an arbitrary manner. In exercising its powers, the board of commissioners may reverse or affirm, or may modify, the decision appealed from and to that end shall have all the powers of the director and may issue or direct the issuance of a license or apprentice permit provided all requirements imposed by applicable laws are met.

(Code 1978, § 7-7006)

Sec. 22-77. Transfers and sales prohibited.

All licenses and permits issued pursuant to this article are nontransferable.

(Code 1978, § 7-7007)

Sec. 22-78. Change of location.

A change of location of massage establishment premises may be approved by the department of public services and engineering provided all general ordinances are complied with and a change of location fee as elsewhere established by the board of commissioners is first paid.

(Code 1978, § 7-7008)

Sec. 22-79. Renewals.

All valid licenses may be renewed for additional one-year periods provided a renewal application meeting all of the requirements for an initial license application is submitted prior to expiration of the existing license and approved by the director according to the same standards for initial licenses. The fee for the annual renewal shall be as elsewhere established by the board of commissioners.

(Code 1978, § 7-7009)

Sec. 22-80. Further requirements.

The following additional requirements shall apply to all license and permit holders and establishments under this article:

(1) All massage therapists and massage apprentices shall be completely clothed at all times when administering a massage. For the purposes of this subsection, the term "completely clothed" shall mean having on the upper portion of the body appropriate undergarments and either blouse or shirt which shall cover all the upper body save the arms and neck and shall mean having on the lower body appropriate undergarments plus either pants or skirt, and such pants or skirt must cover from the waist down to a point at least two inches above the knee. All clothes worn in compliance with this subsection shall be entirely nontransparent.

(2) The storing, serving, sale or consumption of alcoholic beverages within massage establishments is expressly prohibited.

(3) Every person to whom a license or permit shall have been granted shall display such license or permit in a conspicuous place on the premises that is clearly visible to the visiting public.

(4) The county, through the department of public services and engineering, shall have the right to inspect any licensed massage premises and its records at any time, with or without notice, during business hours to ensure compliance with this article.

(5) It shall be unlawful for any person under the age of 18 years to patronize any massage clinic unless such person carries with him at the time of such patronage a written order directing the treatment to be given by a regularly licensed physician or written permission of the underage person's parent or legal guardian. It shall be the duty of the operator of such massage establishment to determine the age of the person patronizing such massage establishment and a violation of this section shall be grounds for revocation of the license of such massage establishment and/or massage therapist and/or massage apprentice administering massage to an underage patron.

(6) Licensed massage therapists shall have the authority to train individuals in massage therapy under their supervision and in their establishment only in strict accordance with the following provisions:

a. *Apprenticeship programs.* Massages administered within massage establishments for good or valuable consideration may be given by persons not holding a license as a massage therapist only in connection with a formal program of apprenticeship and training. Such massages shall be given only by persons holding a valid massage apprentice permit pursuant to subsection (6)b of this section and only under the direct supervision of a licensed massage therapist at all times. Such licensed massage therapist shall be in the same room where the massage is being administered by the permitted massage apprentice during the entire time of the giving of the massage.

b. *Massage apprentice permits.* No person shall administer a massage in connection with the formal apprenticeship and training program authorized in subsection (6)a of this section without having first obtained a massage apprentice permit. Any person desiring to obtain a massage apprentice permit shall make application to the department of public services and engineering in accordance with section 22-74(a), except that the requirements of section 22-74(a)(12)—14) shall not apply. All applications for a massage apprentice permit shall be accompanied by a fee as elsewhere established by the board of commissioners. All fees associated with the background check required by section 22-74(a)(10) shall be the responsibility of the applicant and shall be in addition to the application fee. The minimum standard applicable to issuance of a massage apprentice permit shall be that specified in section 22-75(a)(1). If a massage apprentice permit application is submitted in proper form, including all information and exhibits required by this section and accompanied by the correct fees, the application shall be accepted and acted upon in accordance with section 22-76. Massage apprentice permits shall be valid for a period of one year and may be renewed for two additional periods of one year each in accordance with section 22-79. The renewal fee shall be as elsewhere established by the board of commissioners. Massage apprentice permits shall be subject to revocation for cause pursuant to the provisions of sections 22-81 and 22-82(a). All other applicable provisions of this article shall apply to such permit holders.

(7) It shall be the duty of all persons holding a license for a massage establishment under this article to file with the department of public services and engineering the names of all employees other than those holding massage therapist licenses, their home addresses, home telephone numbers and places of employment. Changes in the list of such employees with the names of new employees must be filed with such county department within ten days from the date of any such change.

(8) It shall be the duty of any person granted a license under this article to maintain correct and accurate records of the names and addresses of the persons receiving treatment at such establishment; and the name of the person at the establishment administering the treatment. The records shall be subject to inspection at any time by the county through the department of public services and engineering.

(Code 1978, § 7-7010)

Sec. 22-81. Revocation of license.

(a) A license granted pursuant to this article shall be subject to revocation for cause. No license shall be revoked until after due notice and a hearing shall have been held before the board of commissioners to determine just cause for such revocation. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. The notice shall state the grounds of the compliant against the holder of such license and shall designate the time and place where such hearing will be held.

(b) Such notice shall be served upon the license holder by delivering the notice personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. If the license holder cannot be found, and the service of notice cannot be otherwise made in the manner provided in this subsection, a copy of such notice shall be mailed registered or certified, postage fully prepaid, addressed to the license holder at his place of business or residence at least ten days prior to the date of such hearing.

(Code 1978, § 7-7011)

Sec. 22-82. Grounds for revocation.

(a) The license of a massage therapist may be revoked upon one or more of the following grounds:

(1) Failure of the holder to maintain initial requirements for obtaining the license;

(2) The holder is guilty of fraud in the practice of massage, or fraud or deceit in his being licensed in the practice of massage;

(3) The holder is engaged in the practice of massage under a false or assumed name, or is impersonating another therapist of a like or different name;

(4) The holder is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate such person to the extent that he is unable to perform his professional duties;

(5) The holder is guilty of fraudulent, false, misleading or deceptive advertising or practices any other licensed profession without legal authority therefor;

(6) The holder has violated any of the provisions of this article;

(7) The holder has violated any laws relating to sodomy, aggravated sodomy, solicitation of sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, distribution of obscene materials, distribution of material depicting nudity, or sexual conduct as defined under state law; or has been convicted, pled guilty, or entered a plea of nolo contendere to any felony, or to any misdemeanor involving moral turpitude;

(8) The original application, or renewal thereof, contains materially false information, or the applicant has deliberately sought to falsify information contained therein; or

(9) There has been the occurrence of a fact which would have barred the issuance of the original license.

(b) The license of a massage establishment may be revoked upon one or more of the following grounds:

(1) Failure of the holder to maintain initial requirements for obtaining the license;

(2) The holder allows or permits any person who is not a licensed massage therapist to administer a massage in such establishment except as specifically authorized by section 22-80(6);

(3) The premises in which the massage establishment is located are in violation of any federal, state, or county laws designed for the health, protection and safety of the occupants or general public;

(4) The premises are in violation of the county building or life safety codes;

(5) The original application, or renewal thereof, contains materially false information, or the applicant has deliberately sought to falsify information contained therein;

(6) The holder of the license, including any person with an ownership interest in the license, has been convicted, pled guilty, or entered a plea of nolo contendere to any felony, or to any misdemeanor involving moral turpitude, or has violated any laws relating to sodomy, aggravated sodomy, solicitation of sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, distribution of obscene materials, distribution of material depicting nudity, or sexual conduct as defined under state law;

(7) Any of the license holder's employees or agents has been convicted, pled guilty, or entered a plea of nolo contendere to any felony, or to any misdemeanor involving moral turpitude, or has violated any laws relating to sodomy, aggravated sodomy, solicitation of sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, distribution of obscene materials, distribution of material depicting nudity, or sexual conduct as defined under state law, in connection with the operation of the massage establishment or on or about the premises of the massage establishment;

(8) Failure of the holder to actively supervise and monitor the conduct of the employees, customers and others on the premises in order to protect the health, safety and welfare of the general public and the customers; or

(9) The holder or his employees associated with the establishment have allowed to occur or have engaged in a violation of any part of this article.

(c) Any massage therapist, massage apprentice, or massage establishment who or which has his or its license or permit revoked shall be disqualified from reapplying for such a license or permit for a period of 12 months immediately following the date of revocation.

(Code 1978, § 7-7012)

Sec. 22-83. Penalty for violations.

In addition to revocation, any person violating any of the provisions of this article shall be upon conviction thereof punished as provided for in section 1-11.

(Code 1978, § 7-7013)

Sec. 22-84. Existing practices.

Any person who is actually engaged as a massage therapist or who operates a massage establishment upon the effective date of the ordinance adopting this article (March 12, 1996), shall have 90 days from such effective date to comply with this article.

(Code 1978, § 7-7014)

Secs. 22-85—22-110. Reserved.

### ARTICLE IV. BODY ART STUDIOS AND ARTISTS

Sec. 22-111. Body art studios and artists; adoption of rules and regulations.

All body art studios and artists shall comply with the rules and regulations entitled "Body Art Studios and Artists" adopted by the Rockdale Board of Health on November 13, 2008, or as hereinafter amended, which rules and regulations are hereby adopted by reference as though fully set out at length in this section. Copies of the "Body Art Studios and Artists" rules and regulations are on file and shall be maintained at the Rockdale County office of Environmental Health and shall be available to the public for inspection.

(Ord. No. 0-2008-23, § 1, 12-23-2008)

Sec. 22-112. Penalties.

A "body artist" or "owner" as defined by the rules and regulations entitled "Body Art Studios and Artists" that violates said rules and regulations may be charged with a violation of this article and subjected to the provisions of Rockdale County Code, section 1-11.

(Ord. No. 0-2008-23, § 1, 12-23-2008)

Secs. 22-113—22-140. Reserved.

Editor's note(s)—Ord. No. 0-2006-32, § 6, adopted Nov. 28, 2006, deleted Art. IV, §§ 22-111—22-140 in its entirety. Former Art. IV, §§ 22-111—22-140, pertained to open yard storage business and derived from Code 1978, §§ 7-5001—7-5005.

### ARTICLE V. ADULT ENTERTAINMENT[[14]](#footnote-14)

Sec. 22-141. Purpose and intent.

(a) It is the purpose and intent of this article to regulate adult entertainment establishments to promote the health, safety, morals, and general welfare of the citizens of the county and to establish reasonable and uniform content-neutral regulations of adult entertainment establishments within the county, thereby reducing or eliminating the adverse secondary effects from such adult entertainment establishments. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor the effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this article to condone or legitimize the distribution of obscene material. This article is not intended to interfere with or suppress legitimate expression or any speech activities protected by the First Amendment to the United States Constitution or the state constitution nor is it intended to license any use or activity which is otherwise prohibited or made punishable by law.

(b) The regulations that follow and that otherwise are contained in this Code regarding adult entertainment establishments constitute content-neutral requirements that have been carefully designed to minimize adverse impacts caused by secondary effects of these establishments. The county finds that studies in other jurisdictions demonstrating a correlation between these establishments and such negative secondary effects as diminishing market values in neighboring residential and related areas, increasing crime rates, difficulty in securing residential and related financing, an influx of patrons to these establishments from outside the immediate neighboring areas, and similar negative effects, are pertinent and relevant to the situation that exists in the county. These studies, as well as other evidence from the public and professional staff, has been carefully reviewed by the county prior to adoption of these regulations. The county further finds that there is evidence considered by the county prior to adoption of these and other county regulations regarding the combined effects of adult entertainment establishments and alcohol, and showing that the combination of such activities create additional pernicious secondary effects upon surrounding communities. The county finds that adoption of regulations restricting these establishments to certain districts, barring alcohol sales within such establishments, and imposing distance and development standards is consistent with the general comprehensive planning standards and policies of the county, will reduce the negative secondary effects caused by these establishments, and will afford protection to residential uses and other uses consistent with residential uses so as to protect the public health, safety, welfare and morality while respecting and protecting the free speech rights of these establishments.

(Ord. No. 0-1999-22, § 1(7-9001), 11-9-1999)

Sec. 22-142. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or phrase not defined in this section but otherwise defined in chapter 2, 10, 22, 30, 38, 58, 86 or 90 of part II, subpart A, general ordinances, of this Code, or in part II, subpart B, UDO, of this Code, shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

*Adult device store* means an establishment that offers or provides, for sale or distribution, instruments, devices, toys or paraphernalia that are designed or marketed as useful primarily for the stimulation of human genital organs in conjunction with specified sexual activities, excluding condoms and other birth control and disease prevention products.

*Adult encounter parlor* means an establishment which offers or provides premises where customers either congregate, associate, or consort with employees who engage in specified sexual activities with or in the presence of such customers, or who display specified anatomical areas in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.

*Adult entertainment business manager,manager* and *business manager* mean the person on the premises of an adult entertainment establishment who has overall day-to-day supervisory authority over the operation of the business.

*Adult entertainment employee* and *employee* mean any person who renders any service to the customers of an adult entertainment establishment, whether as an independent contractor, regular employee or otherwise, or who works in or about an adult entertainment establishment and who receives compensation for such service or work from the owner, operator, or licensee of such establishment or from customers therein, but excluding plumbers, electricians, and similar third party contractors temporarily performing work on the establishment's physical facilities.

*Adult entertainment establishment* means any one or combination of the following:

(1) *Adult arcade* means an establishment which offers or provides to the public one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing devices, for viewing by five or fewer persons each, including an establishment having one or more booths each holding five or fewer persons, which are used to show films, motion pictures, peepshows, video cassettes, slides, or other photographic reproductions or images characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2) *Adult dance establishment* means a club, cabaret, restaurant, nightclub, theater or other establishment which offers or provides live performances, burlesque, dancing or entertainment by dancers or entertainers, go-go dancers, strippers or similar entertainers, where such performances, dancing, or entertainment features entertainers that display or expose specified anatomical areas, or are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(3) *Adult media store* means an establishment that offers or provides 20 percent or more of its floor area, shelf space, total inventory, or monthly gross sales for books, printed materials, pictorial materials, magazines or other periodicals, including electronic or digital versions of such materials, or videotapes, movies, compact discs, CD-ROMs, video discs, software, or other image-producing mediums, including electronic or digital versions of such materials, or adult toys, paraphernalia or novelty items not meeting the definition of "adult device store," or any combination thereof, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or, an establishment with a segment, section, or identified area comprising five percent or more of its floor area, shelf space, total inventory, or monthly gross sales devoted to the sale of, or consisting of, such materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. The percentage thresholds for floor area, shelf space and total inventory shall be applied and enforced on a daily basis, such that if the percentage threshold is reached on any given day, said establishment shall have met the definition of adult media store and shall immediately be in violation of this chapter if a license authorizing and adult media store is not in place. The percentage threshold for monthly gross sales shall be applied and enforced on a monthly basis, such that if the percentage threshold is reached for any given month, said establishment shall have met the definition of adult media store and shall immediately be in violation of this chapter if a license authorizing an adult media store is not in place.

(4) *Adult movie theater* means an establishment that offers or provides 20 percent or more of its theater space or monthly gross sales for the exhibition to customers of motion pictures, films, video cassettes, slides or similar photographic or image-producing reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas and which are intended to provide sexual stimulation or sexual gratification to such customers.

(5) *Adult video theater* means a commercial establishment seating 50 or fewer persons which offers or provides films, motion pictures, video cassette projections, slides, photographs or other visual media characterized by depiction or description of specified sexual activities or specified anatomical areas which are shown in the regular course of business of such establishment. The term "adult video theater" does not include a theater where all viewing occurs in a common area with seating for 51 or more persons.

(6) *Escort service* means an establishment where a person, for a fee, commission, hire, reward, profit, or other consideration, furnishes or offers to furnish names or persons, or who introduces, furnishes, or arranges for persons who may accompany other persons to or about social affairs, entertainment or places or amusement, or who may consort with others about any place of public resort or within any private quarters.

(7) *Lingerie modeling establishment* means an establishment wherein a patron directly or indirectly is charged a fee or required to make a purchase in order to view entertainment or activity which consists of persons exhibiting or modeling lingerie or similar undergarments.

*Adult facility* means a commercial establishment in which the patron directly or indirectly is charged a fee to engage in private, personal contact with employees, patrons, or personnel who engage in specified sexual activities or display specified anatomical areas with the intent of providing sexual stimulation or sexual gratification to such patrons, using baths, steam rooms or other devices or equipment provided by the establishment and that is not otherwise regulated as a massage establishment pursuant to article III of this chapter.

*Adult service* means a dance, performance or other activity, including but not limited to service of food or beverages, modeling, posing, wrestling, cutting hair, singing, reading, talking or listening, conducted for any consideration in an adult entertainment establishment by a person who exposes one or more specified anatomical areas or performs a specified sexual activity, or who simulates such exposure or specified sexual activity through the use of shadows or other means, during all or part of the time the person is providing the service.

*Adult service provider* means any person who provides an adult service.

*Bathhouse* means any commercial establishment which offers or provides 20 percent or more of its floor area for administered baths or where any person engages in any method of washing or cleansing the human body or any external part thereof with steam, vapor, or water or other liquid, provided that nothing contained in this section shall be construed to include a duly licensed: hospital, nursing home, medical clinic, school, physical fitness facility or health club, physician, massage establishment, surgeon, physical therapist, chiropractor, osteopath, naturopadi, podiatrist, or person holding a drugless practitioner's certificate under the laws of the state. Furthermore, this definition shall exclude from its operation establishments wherein duly licensed barbers, beauticians, and cosmetologists administer baths only to the scalp, the face, the neck or the shoulders.

*County* means Rockdale County, Georgia.

*Director* means the director of the county department of public services and engineering, or his designee.

*Government building* means any building or structure used or operated by any local, state or federal government or agency thereof.

*Owner* and *owners* mean the proprietor if a sole proprietorship; all general partners if a partnership; all officers, directors, and persons holding 20 percent or more of the outstanding shares if a corporation; or all members if a limited liability company.

*Premises* means the entire area within the property lines of any lot upon which an adult entertainment establishment is located or within which any conduct or activity regulated by this article occurs.

*Public park* means a publicly owned or leased tract of land, whether situated in the county or not, designated, dedicated, controlled, maintained or operated for use by the general public for active or passive recreational or leisure purposes, or natural areas whether or not used for recreational purposes, by the county or any political subdivision of the state and which may but need not contain improvements, pathways, access or facilities intended for public recreational use. The term "public park" shall not include parkways, public roads, rights-of-way, traffic circles, or easements.

*Religious institution* means any church, synagogue, mosque, temple or building where persons regularly assemble for religious worship and related religious activities.

*School* means a building, whether situated within the county or not, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadiums and other structures or grounds used in conjunction therewith. The term "school" is limited to public and private schools used for primary or secondary education, in which any regular pre-kindergarten, kindergarten or grades one through 12 classes are taught using a curriculum authorized by the state.

*Specified anatomical areas* means any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region, buttocks, or female breasts below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernibly turgid state, even if completely or opaquely covered.

*Specified sexual activities* means any of the following:

(1) Actual or simulated intercourse, oral copulation, and intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts of conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism, zooerasty;

(2) Clearly depicted human genitals in a state of sexual stimulation, or arousal;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

(4) Fondling or touching of nude human genitals, pubic regions, buttock, or female breasts;

(5) Masochism, erotic, or sexually oriented torture, beating or the infliction of pain;

(6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

*State* means State of Georgia.

(Ord. No. 0-1999-22, § 1(7-9002), 11-9-1999; Ord. No. 0-2006-32, § 7, 11-28-2006; Ord. No. 0-2008-03, §§ 2, 3, 2-12-2008)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 22-143. License required.

(a) It shall be unlawful for a person to operate an adult entertainment establishment without a valid license issued pursuant to this article for the particular classification of an adult entertainment establishment sought to be operated.

(b) It shall be unlawful for a person to operate an adult entertainment establishment in an establishment that is licensed to sell or dispense alcoholic beverages under chapter 10, article II.

(c) It shall be unlawful for a person to provide, offer or allow any adult service within any establishment holding a county business license unless such establishment also is properly licensed as an adult entertainment establishment pursuant to this article. Violation of this subsection by the owner or operator of any such establishment in the county shall constitute grounds for suspension and/or revocation of such establishment's business and/or alcoholic beverage license.

(d) It shall be unlawful for a person to operate an adult entertainment establishment under any name or designation, or under any premises name or designation, or at any premises address not specified in a valid license issued pursuant to this article. Each additional premises sought to be operated as an adult entertainment establishment shall require a separate license.

(e) It shall be unlawful for any operator of an adult entertainment establishment to hire or engage any provider, employee or manager who does not hold a valid license as required under this article.

(f) Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this section is hereby declared to be unlawful and a public nuisance. The county may, in addition to or in lieu of all other remedies, commence an action or proceeding for abatement, removal, or enjoinment thereof, in the manner provided by law.

(g) No person, firm, partnership, corporation or other entity shall advertise or cause to be advertised an adult entertainment establishment without a valid adult entertainment establishment license issued pursuant to this article. Such license is a mere grant or privilege to carry on the business during the term of the license. All licenses issued under this article, unless suspended or revoked, shall be valid only for the duration specified therein but not to exceed one calendar year, and no licensee shall have a vested right or interest in renewal.

(h) It shall be unlawful for any person to own, operate, or conduct any business in an adult entertainment establishment unless the license is posted at or near the principal public entrance to the adult entertainment establishment in such a manner that it will be conspicuous to patrons who enter the premises.

(Ord. No. 0-1999-22, § 1(7-9003), 11-9-1999)

Sec. 22-144. Prohibited establishments.

No license to operate shall be issued to any establishment that meets the definition of "adult device store", "adult encounter parlor," "adult facility" or "bathhouse." Such establishments shall be prohibited and unlawful in the county.

(Ord. No. 0-1999-22, § 1(7-9004), 11-9-1999)

Sec. 22-145. Scope of regulations.

(a) All licenses issued under this article shall constitute a mere privilege to conduct the business so authorized during the term of the license only and subject to all terms and conditions imposed by the county and state law.

(b) Nothing in this article shall be construed to regulate, prevent, or restrict in ay manner: (i) any physician, chiropractor, physical therapist, or other professional licensed and regulated by or through the state while engaged in the practice of such profession; (ii) any hospital or other professional health care establishment separately licensed as such by the state; or (iii) any licensed institution of higher learning providing a course of study related to material prohibited or regulated by this article.

(c) Except as specified in subsection (b) of this section, the requirements of this article shall be in addition to all other licensing, taxing, zoning, and regulatory provisions of local, state or federal law, and shall not authorize violations of such other applicable laws.

(Ord. No. 0-1999-22, § 1(7-9005), 11-9-1999; Ord.No. 0-2008-03, § 4, 2-12-2008)

Sec. 22-146. Application process for adult entertainment establishment.

(a) A person who wishes to operate an adult entertainment establishment shall make application for a license in person at the department of public services and engineering. The application shall be on a form prescribed by the department of public services and engineering. The application shall be signed under oath by each individual listed as an applicant and notarized. An application shall be deemed filed with the county when the director has received the required fee in full, a completed application with all information required in subsections (c) and (d) of this section, and the photograph and fingerprints of each applicant. The application shall be in duplicate, including all addendum or attachments, with one copy being kept on file with the director and one copy being transmitted to the sheriff.

(b) If a person who wishes to operate an adult entertainment establishment is an individual, that individual must be listed in the application for the license as the applicant and also as the designated license holder. If a person who wishes to operate an adult entertainment establishment is a legal entity other than an individual, each officer, manager or general partner of the entity, and any other individual who will participate directly in decisions relating to the management of the adult entertainment establishment, must be listed in the application as an applicant, with the individual appearing in person to make application being further designated as the primary applicant with general authority to act on behalf of the entity in connection with the application, and the entity listed as the designated license holder. If such legal entity is a corporation, each director, and each shareholder holding ten percent or more of the issued outstanding shares of such corporation's stock, shall be listed in the application as an applicant. Each applicant shall provide his photograph and fingerprints as provided in this section.

(c) In addition to such other information as may be requested on the face of the application form, the application shall include the following information:

(1) The name, premises address and business mailing address if different from the premises address, of the proposed adult entertainment establishment;

(2) The name, address and phone number of the designated license holder;

(3) Where the person seeking to operate the adult entertainment establishment is something other than an individual, the entity's state of origination and date of formation;

(4) The name under which the adult entertainment establishment is to be operated and a description of the services to be provided;

(5) The telephone number of the adult entertainment establishment;

(6) The address, plat and/or legal description of the tract of land on which the adult entertainment establishment is to be located;

(7) If the adult entertainment establishment is in operation, the names of all owners and the date on which the owners acquired the adult entertainment establishment for which the license is sought, and the date on which the adult entertainment establishment began operations as an adult entertainment establishment at the location for which the license is sought;

(8) If the adult entertainment establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the license); if the expected startup date is to be more than ten days following the date of issuance of the license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the work;

(9) Each applicant's full true name and any other names, aliases or stage names used in the preceding five years;

(10) Each applicant's current residential mailing address and telephone number, which information shall be forwarded in writing to the director by letter postmarked not later than ten days after any change in this information;

(11) Written proof that each applicant is at least 21 years of age, in the form of either a current driver's license with picture or other picture identification issued by an appropriate governmental agency;

(12) The issuing jurisdiction and the effective date of any license relating to the operation of an adult entertainment establishment or relating to the provision of any adult services which is held or has been held at any time by an applicant or by the designated license holder, whether any such license has been revoked or suspended, and the reason or reasons for revocation or suspension;

(13) Any specified criminal acts committed by each applicant or the intended license holder for which:

a. Less than two years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for the specified criminal acts, which are sexual crimes against children, sexual abuse, rape or statutory rape, prostitution, bestiality, sodomy, sexual assault, drug-related offenses, kidnapping, or crimes connected with another adult entertainment establishment, including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering or any conviction in another jurisdiction for conduct which, if carried out in the county or the state, would constitute a specified criminal act under this section;

b. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense for the specified criminal acts, which are sexual crimes against children, sexual abuse, rape or statutory rape, prostitution, bestiality, sodomy, sexual assault, drug-related offenses, kidnapping, or crimes connected with another adult entertainment establishment, including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering or any conviction in another jurisdiction for conduct which, if carried out in the county or the state, would constitute a specified criminal act under this section;

c. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two or more misdemeanor offenses occurring within any 24-month period for the specified criminal acts, which are sexual crimes against children, sexual abuse, rape or statutory rape, prostitution, bestiality, sodomy, sexual assault, drug-related offenses, kidnapping or crimes connected with another adult entertainment establishment, including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering or any conviction in another jurisdiction for conduct which, if carried out in the county or the state, would constitute a specified criminal act under this section.

The fact that a conviction is being appealed shall have no effect on the requirements of this subsection;

(14) The name and address of the statutory agent or other agent authorized to receive service of process;

(15) The names of the adult entertainment establishment managers who will have actual supervisory authority over the operation of the business, which information shall be forwarded in writing to the director by letter postmarked not later than ten days after any change in this information; and

(16) An accurate, to-scale floor plan or diagram of the business premises clearly showing the configuration of the premises, including a statement of total floor space occupied by the business, total shelf space, the place at which the license will be conspicuously posted, if granted, the location of all managers' stations and overhead lighting fixtures, and clearly designating all portions of the premises in which patrons will not be permitted. Each diagram should be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The director may waive the diagram requirement for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(d) The application shall be accompanied by the following:

(1) Payment in full of the fee required in subsection (g) of this section;

(2) Current photograph and the fingerprints of each applicant. Each applicant shall be fingerprinted by the sheriff, and such fingerprint card and record shall be attached as an exhibit to the application. Payment of all fees charged by the sheriff in connection with this requirement shall be the responsibility of the applicant;

(3) A certified copy of the trade name certificate filed in compliance with the trade name statute of the Official Code of Georgia Annotated, if the adult entertainment establishment is to be operated under an assumed name;

(4) If the adult entertainment establishment is a state corporation, a certified copy of the articles of incorporation, together with all amendments;

(5) If the adult entertainment establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in the state, together with all amendments;

(6) If the adult entertainment establishment is a limited partnership formed under the laws of the state, a certified copy of the certificate of limited partnership, together with all amendments, filed in the office of the secretary of state;

(7) If the adult entertainment establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments, filed in the office of the secretary of state;

(8) Proof of the current fee ownership of the tract of land on which the adult entertainment establishment is to be situated in the form of a copy of the recorded deed;

(9) If the persons identified as the fee owners of the tract of land in subsection (d)(8) of this section are not also the owners of the adult entertainment establishment, then the lease, purchase contract, purchase option contract, lease option contract or other documents evidencing the legally enforceable right the owners or proposed owners of the adult entertainment establishment have or shall obtain for the use and possession of the tract or portion that is to be used for the adult entertainment establishment for the purpose of the operation of the adult entertainment establishment;

(10) A plat of the surrounding area including the location of the proposed licensed establishment demonstrating compliance with all distance requirements set forth in this article and all requirements of the county zoning ordinance set out in UDO certified by a land surveyor registered in the state;

(11) At least three character references from individuals who are in no way related to the applicant or shareholders, officers or directors and who will not benefit from the license applied for; and

(12) Any of the items in subsections (d)(1)—11) of this section shall not be required for a renewal application if the applicant states that the documents previously furnished to the director with the original application or previous renewals remain correct and current.

(e) The application shall contain a statement notarized under oath that:

(1) The applicant has personal knowledge of the information contained in the application and that the information contained in and furnished with the application is true and correct; and

(2) The applicant has read the provisions of this article.

(f) A separate application and license shall be required for each category of adult entertainment establishment as follows:

(1) Adult media store.

(2) Adult arcade.

(3) Adult movie theater.

(4) Adult video theater.

(5) Adult dance establishment.

(6) Escort service.

(7) Lingerie modeling establishment.

(g) Every application for issuance or renewal of an adult entertainment establishment license shall be accompanied by a nonprorated and nonrefundable application fee in the amount of $350.00, which fee shall be used to defray the costs of the county associated with determining and enforcing compliance with this article.

(Ord. No. 0-1999-22, § 1(7-9006), 11-9-1999; Ord. No. 0-2006-32, § 7, 11-28-2006)

Sec. 22-147. Action on adult entertainment establishment application.

(a) If an application for an adult entertainment establishment is submitted in proper form including all information and exhibits required in this article and accompanied by the correct fees, the application shall be accepted and a review of the application and an inspection and investigation shall be conducted by the director. Such review and inspection shall include review of all applicable building, fire and life safety codes. The director shall transmit a copy of the completed application to the sheriff. The sheriff shall cause to be conducted a background investigation of the police record and character and reputation of the applicant, and shall transmit a summary of the investigation results to the director.

(b) Following review by the director but no later than 45 days after the complete application for an adult entertainment establishment license is filed with the county, the director shall mail to the designated license holder a license or a written notice of intent to deny. No application shall be deemed to be complete until all information and fees are submitted by the applicant in proper form and all required inspections have been conducted.

(c) The director shall issue a license to the applicant unless one or more of the following conditions exist:

(1) The applicant's adult entertainment establishment is located within 1,000 feet of any school, religious institution, public park, hospital, government building, library, licensed day care center, establishment licensed to sell alcoholic beverages, or property zoned for residential purposes, with measurements being made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's adult entertainment establishment to the nearest point on the property line of such school, religious institution, public park, hospital, government building, library, licensed day care center, establishment licensed to sell alcoholic beverages, or property zoned for residential purposes;

(2) The applicant's adult entertainment establishment is located within 1,000 feet of any other adult entertainment establishment for which there is a license under this article. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's adult entertainment establishment to the nearest point on the property line of any other adult entertainment establishment;

(3) The applicant's adult entertainment establishment is located on property that is zoned other than to the M-1 (limited industrial) or M-2 (general industrial) zoning classifications in the county;

(4) The applicant has applied for or holds a license, issued under chapter 10, article II, to sell or dispense alcoholic beverages upon the premises of the intended adult entertainment establishment;

(5) The applicant failed to supply all of the information requested on the application;

(6) The applicant gave materially false, fraudulent or untruthful information on the application;

(7) The applicant, or the applicant's spouse, or the intended license holder, has been convicted of a specified criminal act, as described in section 22-146(c)(13);

(8) The applicant's adult entertainment establishment is not in compliance with section 22-161;

(9) The application for the adult entertainment establishment does not meet all requirements of this article;

(10) The applicant has had a license revoked for any adult entertainment establishment within the 24-month period next preceding the date that the application was filed. The fact that a revocation is being appealed shall have no effect;

(11) The applicant has not demonstrated that the owner of the adult entertainment establishment owns or holds a lease for the property or the applicable portion thereof upon which the adult entertainment establishment will be situated or has a legally enforceable right to acquire the property;

(12) The applicant, the applicant's spouse, or the designated license holder is delinquent in payment to the county for taxes, fees, fines, or penalties assessed against or imposed upon the applicant, the applicant's spouse, or the designated license holder in relation to an adult entertainment establishment or arising out of any other business activity owned or operated by the applicant, the applicant's spouse, or the designated license holder and licensed by the county;

(13) The applicant or the designated license holder has failed to comply with or is in violation of applicable provisions of the zoning ordinances or the building codes, development standards or other land use ordinances and regulations of the county relating to the business or activity to be conducted under the license;

(14) Within the past two years, the applicant or the designated license holder has had a license similar to that authorized under this article, issued in the county or any other jurisdiction, revoked on the basis of conduct which would be a ground for revocation of a license issued under this article if committed in the county. The fact that the revocation is being appealed at the time of the decision on this application shall have no effect; or

(15) The granting of a license would violate a state or federal statute, county ordinance, or a court order.

(d) Property uses and distances for original applications shall be determined as of the time that the application is filed. Property uses and distances for a renewal application shall be determined as of the time that the renewal application is filed.

(Ord. No. 0-1999-22, § 1(7-9007), 11-9-1999)

Sec. 22-148. Appeal from denial of an adult entertainment establishment application.

(a) If the director determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 45 days of the receipt of its complete application by the director. An applicant may appeal the decision of the director regarding such denial by filing a written request for a hearing with the board of commissioners within ten days after the applicant has been given notice of such denial. The director's decision on the application shall be final unless an appeal is timely filed. An appeal shall not stay the director's decision on the issuance of a license. The applicant's written request for a hearing shall set out the grounds on which the denial is challenged.

(b) The board of commissioners shall conduct a hearing on an appeal within 30 days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing for good cause that is granted by the board of commissioners. The hearing shall be conducted before the board of commissioners at the date and time established by the board of commissioners and after reasonable notice of no less than five calendar days has been provided to the applicant. At the hearing, the board of commissioners shall receive oral and written testimony regarding the application. Hearings shall be conducted under procedures established by the board of commissioners, which shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross examine witnesses and be represented by legal counsel. The board of commissioners shall render a written decision and issue notice of the decision to the applicant within ten days after the conclusion of the hearing. The written decision of the board of commissioners shall be final. Appeals from such decision by an aggrieved party shall be by writ of certiorari from the superior court of the county.

(c) Notwithstanding the 45-day period provided in section 22-147(b), in any instance in which an applicant's establishment is proposed to be situated within 1,000 feet from another proposed establishment for which a previously filed license application under this article has been denied, and the previously filed application is still subject to appeals, whether administrative or judicial, the director may hold the license application, subject to the outcome of the appeals on the previous application, and a final decision made in accordance with this article within ten days following the outcome of such appeals.

(d) In any instance in which the proposed adult entertainment establishment tract description submitted by an applicant pursuant this article for a license reflects a tract or parcel of land that has resulted from a subdivision of property for which compliance with the applicable subdivision requirements of this Code was required, and the director determines that the property has not been lawfully subdivided in accordance with the proper subdivision requirements, the director shall cause all measurements and determinations regarding the issuance of the license to be made on the basis of the parent tract from which the subdivision was made, rather than the improperly subdivided tract.

(Ord. No. 0-1999-22, § 1(7-9008), 11-9-1999)

Sec. 22-149. Nontransferability of an adult entertainment establishment license.

(a) Adult entertainment establishment licenses shall not be transferable as to licensee or location. A licensee shall not conduct a different classification of an adult entertainment establishment other than that designated in the license or conduct an adult entertainment establishment under the authority of a license at any place other than the address designated in the application. No adult entertainment establishment shall be conducted under any name or under any designation or classification not specified in the license for that business.

(b) It shall be unlawful for any person to counterfeit, forge, change, deface or alter a license.

(Ord. No. 0-1999-22, § 1(7-9009), 11-9-1999)

Sec. 22-150. Term of an adult entertainment establishment license.

Each adult entertainment establishment license shall be valid until December 31 of the year of issue and shall expire at 11:59 p.m. on December 31 of the year of issue, unless sooner indicated on the face of such license, suspended, revoked, or surrendered.

(Ord. No. 0-1999-22, § 1(7-9010), 11-9-1999)

Sec. 22-151. Suspension of an adult entertainment establishment license.

(a) The director shall suspend a license for a period of no less than 30 days and no more than 60 days if a licensee is convicted of violating any provision of this article. Suspension shall be in addition to any license revocation procedures.

(b) The fact that a conviction is being appealed shall have no effect on the suspension of the license.

(Ord. No. 0-1999-22, § 1(7-9011), 11-9-1999)

Sec. 22-152. Revocation of an adult entertainment establishment license.

(a) The director shall revoke a license issued pursuant to this division if the licensee:

(1) Knowingly allowed a person under 18 years of age to enter an adult entertainment establishment;

(2) Is convicted of a violation of this article in any 12-month period;

(3) Is convicted of any crime on the basis of which a license may be denied under section 22-146(c)(13);

(4) Gave false or misleading information in the application;

(5) Violates any provision of this article required as part of the application process;

(6) Violates any provision of section 22-166;

(7) Knowingly allows any employee or manager to violate any provision of section 22-167;

(8) Failed to operate and keep open the adult entertainment establishment for a period of 30 consecutive days, unless due to circumstances beyond the control of the owner, and the owner is proceeding with due diligence, given all attendant circumstances, to open or reopen the establishment;

(9) Received a license which was erroneously issued by the director in contravention of the criteria of this article;

(10) Has knowingly operated or worked in the adult entertainment establishment during a period of time when the license was suspended; or

(11) Is delinquent in payment to the county of taxes or fees related to the adult entertainment establishment or arising out of any other business activity owned or operated by the licensee and licensed by the county.

(b) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(Ord. No. 0-1999-22, § 1(7-9012), 11-9-1999)

Sec. 22-153. Adult entertainment establishment license renewal.

(a) An adult entertainment establishment license may be renewed by filing an application for renewal on a form provided by the director. The application for renewal shall be received by the director not less than 45 days before the expiration of the license. When the application for renewal is received less than 45 days before the expiration date, the expiration of the license shall not be delayed, postponed or otherwise affected.

(b) The director shall process and investigate all applications for renewal, and may deny an application for renewal for any reason for which an application may be denied or revoked under this article.

(c) An application for issuance or renewal of an adult entertainment establishment license shall be accompanied by such fee as required under section 22-146(g).

(d) All renewal applications shall be reviewed in strict accordance with the rules and regulations, ordinances and laws existing on the date of renewal. No vested rights or interests of any kind whatsoever shall exist by virtue of an earlier license.

(Ord. No. 0-1999-22, § 1(7-9013), 11-9-1999)

Sec. 22-154. Procedure for revocation, suspension and denial of renewal of existing adult entertainment establishment licenses.

(a) If the director determines that grounds exist to suspend or revoke a license, or deny an application for renewal of a license, the director shall notify in writing the designated license holder, license applicant or licensee, as applicable, of the intent to deny, suspend or revoke, which notice shall include a summary of the grounds for such action. The notice shall be sent by registered or certified mail to the address of the designated license holder, license applicant or licensee listed in the current year's license application or renewal application.

(b) Within ten days after the effective date of notice, the designated license holder, license applicant, or licensee may provide to the director in writing a response, which shall include a statement of reasons why the license or its renewal should not be denied, suspended or revoked. If a response is not received by the director in the time stated, the denial of renewal, suspension or revocation shall be final; and notice shall be sent to the applicable designated license holder, license applicant or licensee by registered or certified mail.

(c) Within ten days after receipt of a response, the director shall either withdraw the intent to deny the renewal, suspend or revoke, and so notify the respondent, or shall deny the renewal, impose a suspension or revoke the license. Following a decision to deny renewal, suspend or revoke a license, the director shall send notice to the respondent, which shall include a statement of the reasons for the denial, suspension or revocation. The effective date of notice shall be five days after the date the notice is mailed.

(d) Notwithstanding any provision of this article to the contrary, the director may immediately suspend any license on a temporary basis when he determines that an emergency exists that immediately and substantially imperils the life, safety or welfare of the public. The designated license holder or licensee shall be notified immediately upon such emergency suspension by telephone and/or by delivery of written notice. Such notification shall state that an emergency hearing before the board of commissioners shall be conducted if requested in writing within five days by the license holder or licensee to the board of commissioners. Such hearing, if requested, shall be conducted within five days of the request by the board of commissioners pursuant to the procedures, except as hereby modified, of section 22-148(b).

(Ord. No. 0-1999-22, § 1(7-9014), 11-9-1999)

Sec. 22-155. Appeal from suspension, revocation or denial of adult entertainment establishment renewal.

(a) An applicant may appeal the decision of the director regarding a suspension, revocation or denial of renewal of a license by filing a written request for a hearing with the board of commissioners within ten days after notice of such denial. The director's decision on the application shall be final unless an appeal is timely filed. An appeal shall stay the director's decision regarding renewal, suspension or revocation. The applicant's written request for a hearing shall set out the grounds on which the director's decision is challenged. The hearing shall be conducted before the board of commissioners at a reasonable date and time established by the board of commissioners and after reasonable notice to the applicant. At the hearing, the board of commissioners shall receive oral and written testimony regarding the application. Hearings shall be conducted under procedures established by the board of commissioners, which shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross examine witnesses and be represented by legal counsel.

(b) The board of commissioners shall conduct the hearing within 30 days after receipt of the applicant's written request for a hearing unless the applicant requests an extension in writing. The hearing shall be conducted in accordance with the provisions of section 22-148(b). The board of commissioners shall render a written decision and issue notice of the decision to the applicant within ten days after the conclusion of the hearing. The written decision of the board of commissioners shall be final. Appeals from such decision by an aggrieved party shall be by writ of certiorari from the superior court of the county.

(Ord. No. 0-1999-22, § 1(7-9015), 11-9-1999)

Sec. 22-156. Business manager permit required.

(a) It shall be unlawful for any person who does not hold a permit to act as an adult entertainment business manager of or in an adult entertainment establishment.

(b) It shall be the duty of the licensee and owner of an adult entertainment establishment to ensure that no person acts as a manager of or in the adult entertainment establishment unless that person holds a permit.

(Ord. No. 0-1999-22, § 1(7-9016), 11-9-1999)

Sec. 22-157. Issuance of manager permits.

(a) Any person who desires to obtain an original or renewal manager permit shall make application to the director in person. The application shall be made under oath upon a form prescribed by the director and shall include:

(1) The name, home street address and mailing address, if different, of the applicant;

(2) The applicant's age, date and place of birth;

(3) Proof of the date of birth of the applicant and the identity of the applicant, including at least one photographic identity card issued by a governmental agency;

(4) Height, weight, hair and eye color;

(5) A list of any specified criminal acts, and time of service in jail or prison, as specified in section 22-146(c)(13);

(6) Two current passport-type photographs of the applicant of a size specified by the director, which shall become part of the photographic identity cards if a permit is issued; and

(7) The fingerprints of the applicant. The applicant shall be fingerprinted by the sheriff, and such fingerprint card and record shall be attached to the application. Payment of all fees charged by the sheriff in connection with this requirement shall be the responsibility of the applicant.

(b) Each application shall be accompanied by a nonrefundable processing fee of $100.00. The application shall be signed under oath by each individual listed as an applicant and notarized. An application shall be deemed filed with the county when the director has received the required fee in full, a completed application with all information required in subsection (a) of this section, and the photograph and fingerprints of each applicant. The application shall be in duplicate, including all addendum or attachments, with one copy being kept on file with the director and one copy being transmitted to the sheriff. The sheriff shall cause to be conducted a background investigation of the police record and character and reputation of the applicant, and shall transmit a summary of the investigation results to the director.

(c) The director shall issue the permit within 30 days from the date of filing of the application unless he finds that the applicant has been convicted of an offense specified in the applicable provisions of section 22-146(c)(13) within the time specified therein or has provided materially false or misleading application information. If the application is not granted, the applicant shall be mailed notice within such 30 days of the grounds and of his right to provide evidence and request a hearing as provided in subsection (e) of this section.

(d) Each permit issued by the director shall consist of two photographic identification cards, a personal card and an on-site card.

(e) Any applicant whose application is denied may appeal the denial by filing a written request for a hearing with the board of commissioners within ten days after the applicant has been given notice of such denial. Any applicant who properly requests a hearing on the denial shall be granted a hearing by the board of commissioners within 20 days following the receipt of the request by the board. The hearing and appeals therefrom shall be conducted as provided in section 22-148(b).

(f) If any cardholder's card or on-site card is lost or stolen, the holder shall immediately notify the director and request a replacement, which shall be issued for a fee of $50.00 within five business days following verification of the identity of the holder.

(g) No permit application shall be accepted nor shall a permit be issued to any person who does not provide proof that he is at least 18 years old. Any permit issued by virtue of any misrepresentation or error to any person under age 18 years shall be void.

(Ord. No. 0-1999-22, § 1(7-9017), 11-9-1999)

Sec. 22-158. Term, transfer, and amendment of manager permit.

(a) A manager permit is valid for one year from the date of its issuance unless a shorter time is specified on the face of such permit. Applications for renewal may be made by following the procedures and requirements set forth in section 22-153. Renewal fees shall be $50.00.

(b) A permit is personal to the named permit holder and is not transferable or valid for use by any other person.

(c) Each permit holder shall notify the director of his new address within ten days following any change of his address.

(Ord. No. 0-1999-22, § 1(7-9018), 11-9-1999)

Sec. 22-159. Display of manager permit.

Each manager shall conspicuously display his personal card upon his person at all times while acting as manager of an adult entertainment establishment.

(Ord. No. 0-1999-22, § 1(7-9019), 11-9-1999)

Sec. 22-160. Revocation of manager permit.

If the director has grounds to believe that any manager permit holder has been convicted of an offense as specified in the applicable provisions of section 22-146(c)(13) within the time specified therein or after, or has violated a requirement or prohibition of this article, the director may revoke the permit following a notice of the grounds and a hearing as provided in section 22-154 and section 22-155.

(Ord. No. 0-1999-22, § 1(7-9020), 11-9-1999)

Sec. 22-161. Employee permit required.

(a) It shall be unlawful for any person who does not hold a permit to act as an employee of or in an adult entertainment establishment.

(b) It shall be the duty of the licensee and owner of an adult entertainment establishment to ensure that no person acts as an employee of or in the adult entertainment establishment unless that person holds a permit.

(Ord. No. 0-1999-22, § 1(7-9021), 11-9-1999)

Sec. 22-162. Issuance of employee permits.

(a) Any person who desires to obtain an original or renewal employee permit shall make application to the director in person. The application shall be made under oath upon a form prescribed by the director and shall include:

(1) The name, home street address and mailing, if different, of the applicant;

(2) The applicant's age, date and place of birth;

(3) Proof of the date of birth of the applicant and the identity of the applicant, including at least one photographic identity card issued by a governmental agency;

(4) Height, weight, hair and eye color;

(5) A list of any specified criminal acts, and time of service in jail or prison, as specified in section 22-146(c)(13);

(6) Two current passport-type photographs of the applicant of a size specified by the director, which shall become part of the photographic identity cards if a permit is issued; and

(7) The fingerprints of the applicant. The applicant shall be fingerprinted by the sheriff, and such fingerprint card and record shall be attached to the application. Payment of all fees charged by the sheriff in connection with this requirement shall be the responsibility of the applicant.

(b) Each application shall be accompanied by a nonrefundable processing fee of $100.00. The application shall be signed under oath by each individual listed as an applicant and notarized. An application shall be deemed filed with the county when the director has received the required fee in full, a completed application with all information required in subsection (a) of this section, and the photograph and fingerprints of each applicant. The application shall be in duplicate, including all addendum or attachments, with one copy being kept on file with the director and one copy being transmitted to the sheriff. The sheriff shall cause to be conducted a background investigation of the police record and character and reputation of the applicant, and shall transmit a summary of the investigation results to the director.

(c) The director shall issue the permit within 30 days from the date of filing of the application unless he finds that the applicant has been convicted of an offense specified in the applicable provisions of section 22-146(c)(13) within the time specified therein or has provided materially false or misleading application information. If the application is not granted, the applicant shall be mailed notice within such 30 days of the grounds and of his right to provide evidence and request a hearing as provided in subsection (e) of this section.

(d) Each permit issued by the director shall consist of two photographic identification cards, a personal card and an on-site card.

(e) Any applicant whose application is denied may appeal the denial by filing a written request for a hearing with the board of commissioners within ten days after the applicant has been given notice of such denial. Any applicant who properly requests a hearing on the denial shall be granted a hearing by the board of commissioners within 20 days following the receipt of the request by the board. The hearing and appeals therefrom shall be conducted as provided in section 22-148(b).

(f) If any cardholder's card or on-site card is lost or stolen, the holder shall immediately notify the director and request a replacement, which shall be issued for a fee of $50.00 within five business days following verification of the identity of the holder.

(g) No permit application shall be accepted nor shall a permit be issued to any person who does not provide proof that he is at least 18 years old. Any permit issued by virtue of any misrepresentation or error to any person under age 18 years shall be void.

(Ord. No. 0-1999-22, § 1(7-9022), 11-9-1999)

Sec. 22-163. Term, transfer, and amendment of employee permit.

(a) An employee permit is valid for one year from the date of its issuance unless a shorter time is specified on the face of such permit. Applications for renewal may be made by following the procedures and requirements set forth in section 22-153. Renewal fees for an employee permit shall be $50.00.

(b) A permit is personal to the named permit holder and is not transferable or valid for use by any other person.

(c) Each permit holder shall notify the director of his new address within ten days following any change of his address.

(Ord. No. 0-1999-22, § 1(7-9023), 11-9-1999)

Sec. 22-164. Display of employee permit.

Each employee shall keep his personal card upon the premises for display upon request by an appropriate authority at all times while acting as an employee of an adult entertainment establishment.

(Ord. No. 0-1999-22, § 1(7-9024), 11-9-1999)

Sec. 22-165. Revocation of employee permit.

If the director has grounds to believe that any employee permit holder has been convicted of an offense as specified in the applicable provisions of section 22-146(c)(13) within the time specified therein or after, or has violated a requirement or prohibition of this article, the director may revoke the permit following a notice of the grounds and a hearing as provided in section 22-154 and section 22-155.

(Ord. No. 0-1999-22, § 1(7-9025), 11-9-1999)

Sec. 22-166. Operational requirements.

The following operational requirements shall apply to all adult entertainment establishments. Failure to ensure compliance with these requirements shall constitute a violation of this article by the licensee and manager:

(1) It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of an adult entertainment establishment at any time the adult entertainment establishment is open for business. It shall be the duty of the license holder and manager of each adult entertainment establishment to ensure that an attendant is stationed at each public entrance to the adult entertainment establishment at all times during such adult entertainment establishment's regular business hours. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the adult entertainment establishment. It shall be presumed that an attendant knew a person was under the age of 18 years unless such attendant asked for and was furnished:

a. A valid operator's, commercial operator's, or chauffeur's driver's license establishing the required age; or

b. A valid personal identification certificate issued by the state or another official government agency containing a description of the person so identified, such person's photograph, and such person's date of birth establishing the required age. Appropriate forms of such identification include a passport and military identification card. Appropriate forms of identification shall not include a birth certificate nor any traffic citation or complaint.

(2) It shall be unlawful to allow a person who is visibly intoxicated to enter or be on the premises of an adult entertainment establishment at any time the adult entertainment establishment is open for business.

(3) It shall be unlawful to allow the merchandise or activities of an adult entertainment establishment to be visible from any point outside such adult entertainment establishment. It shall be the duty of the licensee of an adult entertainment establishment to opaquely cover each nonopaque area through which a person outside the premises of the adult entertainment establishment may otherwise see inside the adult entertainment establishment.

(4) It shall be unlawful to allow the sale, dispersion or consumption of alcoholic beverages upon the premises, including all outdoor areas, of an adult entertainment establishment. It shall be unlawful to allow any person, whether a patron, contractor, subcontractor, agent, employee or otherwise, to bring any alcoholic beverage onto the premises of an adult entertainment establishment, including all outdoor areas.

(5) It shall be unlawful for any employee to provide any adult service to any customer in any separate area within an adult entertainment establishment to which entry or access is blocked or obscured by any door, curtain or other barrier, regardless of whether entry to such separate area is by invitation, admission fee, club membership fee, or any form of gratuity or consideration.

(6) It shall be the duty of any licensee and manager of an adult entertainment establishment to allow immediate access by any sheriff or police officer, fire department official, code enforcement officer, or health officer to any portion of the premises of the adult entertainment establishment upon request for the purpose of inspection of such premises for compliance with this article or any other applicable law.

(7) Each adult entertainment establishment shall be equipped with lighting fixtures of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than ten footcandle as measured at four feet above floor level.

(8) Each adult entertainment establishment shall have at least one adult entertainment business manager on duty on the premises at all times during which the adult entertainment establishment is open for business or during which customers are on the premises. All persons acting as managers on the premises shall hold and display the permit required by this article.

(9) All off-street parking areas and premises entries of the adult entertainment establishment shall be illuminated from sunset to one hour following the time of closing of the adult entertainment establishment with a lighting system which provides an average maintained horizontal illumination of ten footcandle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult entertainment establishment for the personal safety of patrons and employees and to reduce criminal conduct.

(10) All adult services performed in an adult dance establishment shall be conducted upon a stage elevated at least 18 inches above floor level. All parts of the stage, or a clearly designated area on such stage within which the adult service is provided, shall be a distance of at least three feet from all parts of a clearly designated area in which patrons may be present. The stage or designated area shall be separated from the area in which patrons may be located by a solid barrier or railing the top of which is at least three feet in height. A provider or patron may not extend any part of his body over or beyond the barrier or railing.

(11) Adult entertainment establishments shall be closed between the hours of 12:00 midnight and 8:00 a.m. on and between Monday through Saturday nights, and between the hours of 12:00 midnight on Saturday and 8:00 a.m. on Monday.

(12) No adult service may be provided in any location within an adult entertainment establishment which is not visible by direct line of sight at all times from a manager's station located in a portion of the premises which is accessible to customers or patrons.

(13) No adult service shall be provided in any location or area of premises so as to be visible or viewable from a public right-of-way.

(Ord. No. 0-1999-22, § 1(7-9026), 11-9-1999)

Sec. 22-167. Conduct of employees.

(a) It shall be unlawful for an adult service provider to touch a customer or patron or the clothing or patron of a customer while engaging in entertainment or while exposing any specified anatomical areas or engaging in any specified sexual activities.

(b) It shall be unlawful for an adult service provider to approach closer than three feet to any customer or patron while engaging in entertainment or while exposing any specified anatomical areas or engaging in any specified sexual activities.

(c) It shall be unlawful for an adult service provider to engage in adult services or to expose any specified anatomical areas or engage in specified sexual activities in the presence of a customer or patron in any separate area within an adult entertainment establishment to which entry or access is blocked or obscured by any door, curtain or other barrier separating entry to such area from the other areas of the adult entertainment establishment.

(d) It shall be unlawful for an adult service provider to, by bending, stooping or other postural movements, display the interior of the anus or vagina.

(e) It shall be unlawful for an adult service provider to touch a specified anatomical area of another adult service provider while in the presence of a customer or patron.

(f) It shall be unlawful for an adult service provider to accept a gratuity of any kind from a customer or patron.

(g) It shall be unlawful for any person to act as an adult service provider at an adult entertainment establishment that he knows or should know has no adult entertainment license issued by the county pursuant to this article, or which has an adult entertainment license that is under suspension, has been revoked, or has expired.

(h) It shall be unlawful for any adult service provider to display or expose specified anatomical areas while situated outside any structure on the site of an adult entertainment establishment or while situated at any other location on the site that is visible from any public right-of-way or sidewalk.

(i) It shall be unlawful for any adult service provider or any other employee, agent or servant of an adult entertainment establishment or any person employed on a contractual basis to engage in any activity commonly referred to as lap dancing or private tableside dancing whereby the person intentionally sits upon or rubs against the clothed or unclothed genitals, vulva, anus or buttocks of any patron, customer or spectator. It shall be unlawful as well for the patron, customer or spectator upon whose body the lap dancer or private tableside dancer is committing the proscribed activity in this subsection to permit the activity to occur.

(j) Notwithstanding any provision of this article which may otherwise be construed to the contrary, it shall not be a violation of this article for any employee of an adult entertainment establishment to expose any specified anatomical area during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room which is accessible only to employees.

(Ord. No. 0-1999-22, § 1(7-9027), 11-9-1999)

Sec. 22-168. Penalty.

(a) Any person, firm, corporation, business, or other legal entity violating any of the provisions of this article shall be guilty of a misdemeanor and shall upon conviction thereof be punished as provided for in section 1-11. With respect to a violation that is continuous in nature, each day that the violation continues shall constitute a separate offense.

(b) The revocation or suspension of any license shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license. Imposition of a criminal penalty shall not be a prerequisite to the revocation or suspension of a license.

(Ord. No. 0-1999-22, § 1(7-9028), 11-9-1999)

Sec. 22-169. Injunction.

The operation of an adult entertainment establishment without a valid license in violation of this article or the operation of any establishment prohibited by this article shall constitute a nuisance, and any person who operates or causes to be operated such business shall be subject to a suit for injunctive or other appropriate relief as well as prosecution for criminal violations.

(Ord. No. 0-1999-22, § 1(7-9029), 11-9-1999)

Sec. 22-170. Applicability.

This article shall apply to all persons engaging in the activities described in this article.

(Ord. No. 0-1999-22, § 1(7-9030), 11-9-1999)

Sec. 22-171. Severability.

Each section and each provision or requirement of any section of this article shall be deemed severable and the invalidity of any portion of this article shall not affect the validity or enforceability of any other portion.

(Ord. No. 0-1999-22, § 1(7-9031), 11-9-1999)

Secs. 22-172—22-200. Reserved.

### ARTICLE VI. FOOD SERVICES

Sec. 22-201. Food service; adoption of rules and regulations.

All food service shall be in compliance with the rules and regulations entitled "Food Service" adopted by the Rockdale Board of Health on February 14, 2008, which rules and regulations are hereby adopted by reference as though fully set out at length in this section. Copies of the "Food Service" rules and regulations are on file and shall be maintained at the Rockdale County office of Environmental Health and shall be available to the public for inspection.

(Ord. No. 0-2004-17, § 2, 5-11-2004; Ord. No. 2008-13, § 1, 10-14-2008)

Sec. 22-202. Penalties.

An "employee" or "person in charge" as defined by the rules and regulations entitled "Food Service" may be charged with a violation of this chapter and subject to the provisions of Rockdale County Code Section 10-1008.

(Ord. No. 0-2004-17, § 2, 5-11-2004)

Secs. 22-203—22-110. Reserved.

### ARTICLE VII. TAXICABS

#### DIVISION 1. GENERAL PROVISIONS

Sec. 22-211. Title.

This article shall be known, cited and referred to as "The Taxicab Ordinance."

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-212. Definitions.

*Commissioners* means the Rockdale County Board of Commissioners.

*County* means the unincorporated areas within Rockdale County, Georgia.

*Cruising* means moving about on the streets for the purposes of picking up and transporting passengers who have not previously requested such service by telephone or personal command.

*Department* means the Rockdale County Department of Public Services and Engineering.

*Director* means the director of Rockdale County Department of Public Services and Engineering, or his or her designee.

*Driver* means any person who is issued a driver's permit and drives or operates a taxicab on the streets of the county.

*Driver's permit* means the required written authority granted by the director to persons who qualify to drive or operate a taxicab within the county upon meeting the requirements of this article.

*License* means the right and privilege granted by the director to companies who qualify for the operation of a taxicab company within the county upon meeting the requirements of this article.

*License holder* means any individual, firm, partnership or corporation that has possession of a license to operate a taxicab company issued by the director.

*Operate* means when a person picks up one or more passengers in the county for which such person is accepting or soliciting any consideration, charge or fee that is determined by agreement, by mileage, by the length of time the taxicab is used or when a person maintains a physical place of business as a taxicab company within the county.

*Street* means and include any street, alley, lane, avenue, court or public road in the county.

*Taxicab* means any motor vehicle used in the business of transporting passengers for a fee or fare or offering to transport passengers for a fee or fare as a public conveyance and is fitted with a taximeter or other device used to compute such fee or fare.

*Taxicab company* means a person, firm, partnership or corporation licensed to do business by the Rockdale County Department of Public Services and Engineering with its primary function being the operation of one or more taxicab under the provisions of this article.

*Taxi stand* means a public place alongside the curb of a street or elsewhere that has been designate as reserved exclusively for the use of taxicabs.

*Taximeter* means a meter instrument or device attached to a taxicab which is designed to measure the distance traveled by such vehicle, to record the times the vehicle travels or is in waiting, and to indicate the fare to be charged.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-213. Operations deemed to be doing business in the county.

Any person, business or entity shall be deemed doing business in the county under this article if such person is picking up passengers in the county and accepting or soliciting any consideration, charge or fee which is determined by agreement, by mileage, by the length of time the taxicab is used or by contract for the use of any motor vehicle or other vehicle designed or used for the purpose of transporting passengers. Any person shall also be deemed doing business in the county under this article if such person has established a business relationship with independent contractors or operates taxicabs on such person's own behalf for the purpose of transporting passengers in the county.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-214. Appeals procedure.

(a) Decisions of the director that adversely effect or aggrieve any applicant or license holder or driver's permit holder under this article may be appealed to the commissioners. All appeals shall be submitted in writing to the county clerk, located in the office of the commissioners, within ten calendar days after issuance of written notification of the adverse decision.

(b) A hearing shall be conducted by the commissioners on each appeal within 30 days of the date of the filing of the written appeal unless the appellant and the commissioners agree to a continuance. The appellant in such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses.

(c) The appellant shall be notified in writing of the date and time of the hearing at least seven calendar days prior to the date of the hearing.

(d) The finding of the commissioners shall be final unless appealed within 30 days of the date the finding is issued by certiorari to the Superior Court of Rockdale County.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-215. Notice.

For the purposes of this article, notice shall be deemed delivered when personally served; when delivery to the last known address of the affected party is acknowledged by signed receipt of certified mail; or three days after the date of deposit in the United States mail.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-216. Occupation tax.

Each taxicab company licensed under the provisions of this article, with a location in the county, shall be subject to occupation tax as provided in section 86-32 of the Code of Rockdale County, Georgia.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-217. Enforcement.

The enforcement of the provisions of this article shall be conducted by the Rockdale County Sheriff's Office and Rockdale County Code Enforcement Officers.

(Ord. No. 2006-04, § 1, 1-24-2006)

Secs. 22-218—22-220. Reserved.

#### DIVISION 2. TAXICAB COMPANY REQUIREMENTS

Sec. 22-221. License required.

No person, firm or corporation shall operate a taxicab or conduct the business of operating taxicabs in the county until the person has first applied for and obtained a license to do so. It shall be the duty of the director to examine the application and to either grant or refuse the license based on the requirements set forth in this article, including the payment of any fees required by this article.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-222. Application.

(a) An application for a license shall be filed with the department upon forms provided by the department, and shall be sworn to by the applicant as true, correct and complete before a notary public. Each applicant is required to submit to a criminal history check. If the applicant is other than a sole proprietor then every partner, officer, manager and stockholder holding a ten percent or more interest in the company shall be subject to the provisions of this section. The applicant shall:

(1) Be at least 18 years of age.

(2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.

(3) Not have been convicted, pleaded guilty, pleaded nolo contendere, forfeited bond or been imprisoned, within a period of five years prior to the date of application for a license, for violation of any of the following federal or state criminal offenses: criminal homicide; aggravated battery; burglary; aggravated assault; kidnapping; robbery; driving a motor vehicle while under the influence of intoxicating beverages or drugs; illegal gambling, criminal trespass, public indecency, any theft or violence against person or property; peeping tom, leaving the scene of an accident; manslaughter resulting from the operation of a vehicle; racing on highways and streets; using a motor vehicle in fleeing or attempting to elude an officer; criminal solicitation to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq., relating to first offender status. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

(4) Never have been convicted of crimes against children, violent crimes, or sex crimes, in accordance with state law.

(5) File a list of all drivers who will be applying for a driver's permit and indicate whether the drivers are company employees or independent contractors.

(6) Advise the department of the number of taxicabs the applicant will be operating, listing the taxicab's vehicle identification number (VIN), each taxicab's Georgia license tag number, and the year, make and model of each taxicab in use.

(7) Submit with the application written consent to conduct a criminal history check signed by the applicant.

(8) Submit with the application payment of any fees required by this article.

(9) Provide the following information:

a. Business:

1. Trade name and legal name of business (if different from trade name);

2. Business location, mailing address and telephone number;

3. Federal employer ID number or Social Security number;

4. Form of business (sole proprietorship, partnership, corporation, etc.).

b. Applicant:

1. The full legal name of the applicant, including all aliases, nicknames, pseudonyms currently or previously used by the applicant;

2. The current business and residence addresses of the applicant;

3. The applicant's height, weight and color of eyes and hair.

(10) Submit proof of the applicant's compliance with the provisions of section 22-224 regarding liability insurance for each vehicle to be used, whether the vehicle belongs to the company or to an independent contract driver.

(11) File a copy of the applicant's proposed rate schedule.

(12) Provide such further information as the director shall require.

(b) The application may also include, but shall not be limited to, the information required for an occupation license as provided in the Code of Ordinances of Rockdale County.

(c) Failure to furnish the required information, in the form required, may result in the denial of the application or the revocation of the license.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-223. Issuance.

(a) It shall be the duty of the director to examine the application and to either grant or refuse the license, in writing, based upon the requirements set forth in this article.

(b) If the director finds that the applicant is not qualified to engage in the taxicab business, the application shall be denied and the license shall be refused. The applicant shall have the right to file an appeal from the decision of the director in refusing to issue a license to the commissioners as set forth in section 22-214 of this article.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-224. Insurance requirements.

(a) No license shall be issued or continued in effect unless there is in full force and effect liability insurance for each vehicle authorized in the amount of $100,000.00 bodily injury to any one person; in the amount of $300,000.00 for injuries to more than one person which are sustained in the same accident and $50,000.00 for property damage resulting from any one accident. Such liability insurance shall be for to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the conduct of a holder, his servants or agents. Written documentation of above stated insurance coverage, signed by an authorized agent of the insurer shall be filed with the department and shall be kept in each vehicle at all times. Such insurance shall be carried with a reputable company with an agency and place of doing business in the State of Georgia.

(b) Each taxicab company shall provide to the director, at the time of submitting an application or renewal, and by June 15 of each year, proof that all taxicabs used by the taxicab company are in compliance with the insurance requirements of this article.

(c) Before any policy of insurance required by this article is amended or voided for any cause, nonpayment of premium or otherwise, notice thereof shall be immediately given by the license holder, in writing, to the department. alteration or voidance of an insurance policy required by this article without adequate notice to the department shall be grounds for immediate suspension of the license.

(d) The provisions of subsection (a) of this Code section shall be waived in the event that the license holder has obtained and presents proof of a current and valid certificate of self-insurance from the Commissioner of the Georgia Department of Insurance in accordance with the provisions of O.C.G.A. § 33-34-5.1.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-225. Suspension, denial or revocation of license.

(a) A license may be denied, suspended or revoked by the director for the following reasons:

(1) Furnishing fraudulent or untruthful information or omitting information requested in any application or report.

(2) Failure to pay all fees, taxes or other charges imposed by the provisions of this article.

(3) Failure to maintain all of the general qualifications applicable to the initial issuance of a license.

(4) Allowing the required insurance coverage to lapse.

(5) Violation of any provision of this article.

(6) Conviction of any act, or a plea of guilty or nolo contendere to any act, which would disqualify a person from obtaining a license.

(7) Discontinuing operations for a period of more than 30 days, or failing to begin operations within 60 days of the date of issuance of a license.

(b) Prior to any suspension or revocation by the director, the license holder shall be given written notification of the action, which shall include the grounds for such action and notice of the license holder's right to appeal.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-226. Renewal of license.

All licenses shall expire on December 31 of each year, including the year of issue. Licenses may be renewed only between November 15 and December 31 of each year for the following year. Permits not renewed by December 31 shall be void and such license holder must reapply as a new applicant in order to obtain a license.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-227. License holders responsible for violations by drivers.

License holders under this article are responsible for violations of this article by their drivers, whether such drivers are direct employees or independent contractors.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-228. Alteration of license prohibited.

It shall be unlawful for any person willfully to alter, deface, obliterate, or destroy a license issued pursuant to this article.

(Ord. No. 2006-04, § 1, 1-24-2006)

Secs. 22-229—22-240. Reserved.

#### DIVISION 3. TAXICAB DRIVER REQUIREMENTS

Sec. 22-241. Permit required.

(a) No person shall operate or drive a taxicab for the purpose of doing business in the county, and no person who owns or controls a taxicab shall permit it to be so operated or driven, unless the driver of such vehicle shall have first obtained and shall have then in force a driver's permit issued under the provisions of this article.

(b) No license holder shall employ any driver who has not first met the requirements of this article and been issued a driver's permit.

(c) No application for a driver's permit will be processed unless the license holder affirms in writing that they intend to hire the applicant if the driver's permit is approved.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-242. Application.

(a) Each applicant for a driver's permit shall:

(1) Be at least 18 years of age;

(2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service;

(3) Not have been convicted, pleaded guilty, pleaded nolo contendere, forfeited bond or been imprisoned, within a period of five years prior to the date of application for a permit, for violation of any of the following federal or state criminal offenses: criminal homicide; aggravated battery; burglary; aggravated assault; kidnapping; robbery; driving a motor vehicle while under the influence of intoxicating beverages or drugs; illegal gambling, criminal trespass, public indecency, any theft or violence against person or property; peeping tom, leaving the scene of an accident; manslaughter resulting from the operation of a vehicle; racing on highways and streets; using a motor vehicle in fleeing or attempting to elude an officer; criminal solicitation to commit any of these listed offenses; any felony in the commission of which a motor vehicle was used; perjury or false swearing; any crime of violence or theft or possession, sale or distribution of narcotic drugs, barbituric acid derivatives or central nervous system stimulants; provided, however, that all applicants shall be entitled to the full benefits of O.C.G.A. § 42-8-60 et seq., relating to first offender status. If at the time of application the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

(4) Never have been convicted of crimes against children, violent crimes, or sex crimes, in accordance with state law;

(5) Not possess a driver's history which contains more than five moving traffic violations in the past five years, or violations of traffic offenses totaling more than 20 points as designated by the Georgia Department of Driver Services;

(6) Submit an application to the department on forms provided by the department. Such application shall be sworn to by the applicant as true, correct and complete before a notary public and shall contain at a minimum the following information:

a. Name;

b. Age;

c. Sex;

d. Date of birth;

e. Social Security number or, if applicant is not a U.S. citizen, applicant's alien identification number;

f. Residence address and telephone number;

g. Name and address of the taxicab company for whom applicant will work;

h. A complete disclosure of all arrests for criminal and traffic violations, including the date, charge, location, and disposition of each offense;

i. Employment history for the two years immediately proceeding the date of the application;

j. Such other relevant information as shall be required by the director.

(7) Provide authorization and any information necessary to enable the director to investigate the driver's background, criminal history, and traffic record; and

(8) Be of good character as determined by the aforesaid investigation.

(b) Each application shall be accompanied by:

(1) A valid Class C Georgia driver's license of the applicant. The license must not be limited as defined in O.C.G.A. §§ 40-5-58 and 40-5-64.

(2) One fingerprint card representing the fingerprints of the applicant prepared by the Rockdale County Sheriff's Office. Payment of all fees charged by the Rockdale County Sheriff's Office in connection with this requirement shall be the responsibility of the applicant.

(3) A driver's history from the Georgia Department of Driver Services, which contains the applicant's driving record for the previous seven, or number of years available if seven year history does not exist.

(4) Criminal history consent form signed by the applicant.

(5) Certification that the applicant has read and understands the provisions of this article.

(6) Two current two inch by two inch (approximately) full-face photographs of the applicant.

(7) Payment of the fees for the driver's permit and background investigation required under this article.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-243. Permit fees.

There shall be an annual fee as determined by the commissioners for a taxicab driver's permit issued under this article.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-244. Permit and notice to be displayed.

(a) The driver's permit issued under the provisions of this article shall be placed on display in the taxicab to be operated by the holder of the driver's permit in a display case or holder designed for that purpose on the dashboard facing the passenger compartment, in clear view of the passengers at all times when the taxicab is for hire.

(b) A notice provided by the director shall be on display on the front dashboard facing the passenger compartment. The notice shall contain sufficient information to allow the customer to contact the director concerning compliments or complaints about the taxicab or driver.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-245. Reserved.

Sec. 22-246. Criminal history record check.

The Rockdale County Sheriff's Office shall conduct an investigation into the criminal history of each applicant for a taxicab driver's permit. In addition to the criminal history consent referenced above, the applicant shall, upon request from the director provide criminal history information from Georgia, any other state, or any political subdivision thereof.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-247. Consideration of application.

(a) It shall be the duty of the director to examine the application and to either grant or refuse the driver's permit based upon the requirements set forth in this article.

(b) In the event the driver's permit is denied, the director shall notify the applicant in writing with the specific grounds for the denial and notice of the applicant's right to appeal pursuant to section 22-214.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-248. Suspension, denial or revocation of driver's permit.

(a) A driver's permit may be denied, suspended or revoked by the director for the following reasons:

(1) Furnishing fraudulent or untruthful information or omitting information requested in any application or report.

(2) Failure to maintain all of the general qualifications applicable to the initial issuance of a permit.

(3) Violation of any provision of this article.

(4) Commission of any act, or a plea of guilty or nolo contendere to any act, which would disqualify a person from obtaining a permit.

(5) Violation of any traffic law while operating a taxicab.

(b) In the event that a permit is denied, suspended or revoked, the director shall notify the applicant in writing with the specific grounds for the denial, suspension or revocation and notice of the applicant's right to appeal.

(c) The director may immediately suspend a driver's permit or cause a vehicle to be removed from service if the director has reasonable cause to believe that the Driver or vehicle present an immediate danger to the public health or safety.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-249. Driving after suspension or revocation of driver's permit prohibited.

It shall be unlawful for any driver to operate a taxicab for the purpose of carriage of passengers during any period in which that driver's permit is suspended or revoked pursuant to the provisions of this article.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-250. Renewal of driver's permits.

(a) All driver's permits shall be in effect for 12 months from the date of issuance. Driver's permits may be renewed, upon application and payment of the required fees, for 12-month periods thereafter, unless the permit for the preceding period has been revoked or is under suspension. The driver shall surrender their expired driver's permit before a renewed driver's permit will be issued.

(b) Each applicant for renewal must submit a driver's history from the Georgia Department of Driver Services covering the previous calendar year.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-251. Alteration of driver's permit or notices prohibited.

It shall be unlawful for any person willfully to alter, deface, obliterate, or destroy a driver's permit or a notice to passengers or cause or allow the same.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-252. Driver's permit not assignable.

(a) Every person to whom a permit has been issued shall return same to the department upon discontinuing operation of a taxicab for the driver named on the driver's permit. Such driver's permit shall not be assigned or transferred to any other person or be valid for any other driver. Taxicab driver permit holders who change employment shall apply to the department for an updated driver's permit, which reflects the proper taxicab company for which the driver will be employed.

(b) It shall be unlawful for any driver to allow his permit to be used by any other person.

(Ord. No. 2006-04, § 1, 1-24-2006)

Secs. 22-253—22-260. Reserved.

#### DIVISION 4. CONDITION OF TAXICAB

Sec. 22-261. Condition of taxicab.

(a) Each vehicle doing business in the county as a taxicab shall be mechanically sound and in good working order to ensure the safety of drivers, passengers, and the other drivers on the roadways. All headlights, taillights, brake lights, top lights, turn signals, license plate lights, windshield wipers and washers, all vehicle glass, window cranks or electric windows, door locks, trunk lid, trunk hood, door handles, exhaust system, bumpers, fenders, body, tires and other vehicle parts shall be in good condition and functioning properly. Every vehicle operating under this article shall be inspected annually by a certified ASE (auto service excellence) facility verifying that the vehicle meets the following minimum safety requirements:

(1) Tires shall not be retread and shall have at least three lines of noticeable tread depth, not less than three-thirty-seconds inch deep.

(2) Braking system must be fully functional and in good working order.

(3) Exhaust system must be complete and enable the taxicab to run quietly.

(4) Equipped with safety restraints for each passenger the vehicle is designed to carry.

(5) Have a minimum of three doors designed for passenger entry and exit. Each door must be functioning and in good repair.

(6) Have a spare tire and jack.

(7) Have a current Georgia license registration tag displayed properly on the vehicle.

(8) Bumpers must be tightly secured.

(9) Paint shall not be faded; waxing and washing should be done at reasonable intervals; distinctive markings and colors applied pursuant to this article must be clearly legible.

(10) Shall be kept in a clean and sanitary condition, free of litter and debris and at all times suitable for public transportation of passengers.

(b) Taxicabs found to be not in compliance with the provisions of this section shall be removed from service immediately.

(c) No license holder or driver shall drive or operate any vehicle, which does not meet the minimum safety requirements as set forth in this section.

(d) The department must be notified within ten calendar days of any taxicab being taken out of service for any reason other than temporary maintenance. Temporary maintenance is maintenance that will be completed within a 30-day period.

(e) All taxicabs operating in the county shall be no more than ten model years older than the current calendar year on or after January 1, 2006.

(f) Any taxicab shall be subject to inspection at any time by the director, any employee of the Rockdale County Sheriff's Office or any code enforcement officer.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-262. Identification of vehicles; display required.

(a) Taxicabs subject to the provisions of this article shall display, in colors contrasting with the color of the vehicle, on each side of the vehicle, the correct name or trade name and telephone number of the license holder. Markings displaying the name of the business shall be a minimum of four-inch letters and a maximum of ten-inch letters. Other lettering shall be in minimum of two-inch letters and a maximum of six-inch letters. All markings and lettering shall be professionally applied and shall be either painted or permanently affixed.

(b) Taxicabs may also bear an identifying design, monogram or insignia. Such design, monogram or insignia shall be constructed so as not to conflict with or imitate any color scheme, identifying design, monogram or insignia used by another license holder, nor shall it be designed in such a manner as to be misleading or deceptive to the public. Such identifying design, monogram or insignia shall be professionally applied and shall be permanently affixed.

(c) Taxicabs shall be assigned an identification number by the director that shall be displayed on the front and rear bumper of each taxicab. Identification numbers shall be a minimum of four inches and shall be reflective white, silver or gray and shall be painted or permanently affixed. Such number to be separate and distinct from that on any other public vehicle or taxicab permitted in Rockdale County or the City of Conyers.

(d) Taxicabs operated on the streets of the county shall display, as a part of its equipment, an identification insignia on the top, which shall be electrically lit at night, and which top light shall carry either the name of the taxicab company, the word "taxi" or the words "taxicab," or the word "cab", provided, however, that during the period in which a taxicab is occupied and under hire by a passenger or passengers, the identification insignia on the top of the vehicle shall not be lit.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-263. Distinctive color scheme.

All taxicabs owned and operated by a taxicab company shall be painted the same color scheme. No two taxicab companies may operate taxicabs of the same color scheme. Color schemes shall be recorded and controlled by the director. No color scheme shall duplicate the color scheme of the Rockdale County Sheriff's Office enforcement vehicles.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-264. Taximeters required.

All taxicabs operated under the authority of this article, which charges are determined by mileage or by the length of time the vehicle is used, shall be equipped with a taximeter. The taximeter shall be fastened in front of the passengers, visible to them at all times day and night, and, after sundown, the face of the taximeter shall be illuminated. All taximeters shall be installed, properly connected and repaired as prescribed by the manufacturer of such meter. Each taximeter shall have thereon some device, which designates when the taximeter is engaged. Any taximeter shall be subject to inspection at any time by the director, any code enforcement officer or any employee of the Rockdale County Sheriff's Office.

(Ord. No. 2006-04, § 1, 1-24-2006)

Secs. 22-265—22-270. Reserved.

#### DIVISION 5. OPERATING REGULATIONS

Sec. 22-271. Rates of fare.

(a) No person shall operate a taxicab within the county without first filing with the department a copy of such license holder's rate schedule; and any changes must also be filed with the department prior to such changes being made.

(b) No operator shall charge a rate in excess of the rates filed with the department.

(c) Copies of all fares and charges shall be posted in each taxicab and shall be of such size and positioned in such a manner as to be plainly visible to passengers being transported in the vehicle.

(d) Rate schedule shall include rates for mileage, waiting time, extra passengers, excess baggage, and flat rates.

(e) No charge shall be made for time and/or mileage for traveling to the location of a prospective passenger.

(f) The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, on which shall be the name of the taxicab company, the taxicab number, name and permit number of the driver, trip origin and destination, amount of charges, and date of transaction.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-272. Failure, refusal to pay fare.

It shall be unlawful for any person to refuse to pay the legal fare of any vehicle having a valid driver's permit under this article after having hired the same, and it shall be unlawful for any person to hire any taxicab with the intent to defraud the person from whom it is hired of the value of such service.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-273. Prohibitions of drivers.

No driver shall engage in selling or soliciting for the sale of intoxicating beverages, illegal drugs or produce, or solicit for prostitution, or use their taxicab for any purpose other than the transportation of passengers. This section shall not prohibit drivers from transporting passengers along with their purchased merchandise, which is subject to lawful sale in the county.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-274. Occupancy.

No taxicab operating within the county shall carry more passengers than that recommended by the manufacturer of the vehicle or for which there is individual seating available.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-275. Driver appearance.

All drivers shall be neat in appearance while on duty, clean in person and dress. No person shall operate a taxicab without shoes. A driver's clothing and shoes shall be neat and in good repair, free of holes, tears, fading, stains or soil.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-276. Refusal to transport orderly passengers.

(a) No driver shall refuse or neglect to convey any orderly persons upon request unless such taxicab is previously engaged or is unable or forbidden to do so by provisions of this Code or state law.

(b) A driver may refuse to convey a passenger if he has reasonable cause to believe that the person intends to violate any law of the county, state or the United States.

(c) The provisions of this Code section are not intended to force a driver to convey a passenger if he has reasonable cause to believe that doing so places himself or others in danger.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-277. Availability of service.

(a) Taxicab companies operating under the provisions of this article shall render an over-all service to the public desiring to use a taxicab. License holders shall maintain a central place of business from where they shall receive calls and dispatch services. The taxicab company shall answer all calls received by them for services in the county as soon as they can do so and if such services cannot be rendered within a reasonable time they shall notify the prospective passengers of the estimated time in which the call can be answered and give the reason therefore.

(b) Taxicab companies operating as a home occupation as such term is defined by section 130-3 of the Code shall strictly comply with subsection 130-10(a)(2) of the Code.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-278. Records and reports.

(a) Drivers must maintain daily trip logs upon which shall record all trips made by each vehicle each day, showing time and place of origin, destination of each trip and amount of fare and an itemization of any personal property left in the vehicle. The driver shall return all completed trip logs to the taxicab company at least weekly. Each taxicab company shall retain and preserve all drivers' trip logs for a minimum of 12 months. Trip logs are subject to inspection by the director and/or the Sheriff of Rockdale County or their agents or designees upon request.

(b) License holders shall maintain the records required by this article at a place readily accessible for examination by the director, Rockdale County Sheriff, or their designees and access shall not be denied at any time of normal operation of business.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-279. Sleeping, lounging or lying in taxicabs prohibited.

While any taxicab is parked or is otherwise in service, the driver will remain awake and alert at all times. Sleeping, lounging in a reclining posture, or lying in the taxicab is prohibited.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-280. Report of charges.

Drivers shall report to the department any charges filed against them by any law enforcement officer, including but not limited to minor traffic charges, within 72 hours of the charge being made. Upon request by the director, said driver shall provide such details and/or documents as are available concerning such charges.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-281. Solicitation, acceptance and discharge of passengers.

(a) No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curbside thereof. The driver of any taxicab shall remain in the driver's compartment at all times when such vehicle is upon the street, provided further that nothing herein shall be held to prohibit driver from alighting to the side of the street or sidewalk for the purpose of assisting passengers in and out of the vehicle.

(b) No driver shall solicit patronage in a loud tone of voice or in any manner obstruct the movement of any person or vehicle, or follow any person for the purpose of soliciting their patronage.

(c) Drivers shall not receive nor discharge passengers in the street but shall pull up to the right-hand sidewalk or to the extreme right-hand side of the street and there receive or discharge passengers, except on one-way streets where drivers may pull to the sidewalk or extreme right-hand or left-hand side of the street.

(d) No driver shall park or stand on any private property without the permission of the owner of said property, nor shall such drive park adjacent to clearly marked yellow curbs or "No Parking" zones.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-282. Stands, generally.

It shall be unlawful for any person to erect any taxicab stand within the county that causes taxicabs to queue on a street. Whenever any such taxicab stand is established, such taxicab stand may be used by taxicabs upon a rotation basis of "first-come-first-served." Drivers shall pull into taxicab stands from the rear and shall advance forward as the taxicabs ahead depart. Drivers shall stay within five feet of their taxicabs and shall not solicit passengers or engage in loud or boisterous talk while at the taxicab stand. Nothing in this section shall be construed as preventing a passenger from boarding any taxicab of choice that is parked at a taxicab stand.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-283. Telephone stands.

It shall be unlawful for any person to install or attach any telephone or similar device on any telephone post, telegraph post, tree post, or on the side of any building in any street, sidewalk, alley or lane in the county for the purpose of using such telephone in connection with the taxicab business.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-284. Property left in taxicabs by passengers.

Any driver or permit holder discovering in any taxicab under his control personal property, which was lost or left therein by a passenger of such vehicle shall report such loss and deliver such property to the office of the taxicab company within 12 hours after the discovery of such property. The driver's report shall include brief particulars to enable the taxicab company to identify the owner of the property. The permit holder shall insure that all reasonable steps are taken to locate the owner and return said property. The taxicab company shall retain the property on behalf of the owner for at least 60 days.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-285. Smoking prohibited when taxicab is occupied by passenger.

(a) In accordance with the Rockdale County Smoke-Free Air Ordinance, it shall be unlawful for the driver to smoke in such taxicab when one or more passengers occupy the taxicab.

(b) "No Smoking" signs with letters not less than one-inch in height or signs with the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) not less than three inches in diameter shall be clearly and conspicuously posted inside the passenger compartment of the taxicab by the driver or taxicab company owner.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-286. Taxicab movement prohibited under certain circumstances.

No driver shall collect fares, make change, or take on or discharge passengers while his/her taxicab is in motion.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-287. Compliance with laws and ordinances; safety.

Drivers shall operate such taxicab in accordance with the laws of the State of Georgia and the Code of Rockdale County, Georgia. Drivers shall exercise due regard for the safety, comfort, and convenience of their passengers and the general public.

(Ord. No. 2006-04, § 1, 1-24-2006)

Sec. 22-288. Penalty for violation.

For violations of this article, section 1-11 "General penalty," shall apply.

(Ord. No. 2006-04, § 1, 1-24-2006)

Secs. 22-289—22-300. Reserved.

### ARTICLE VIII. PUBLIC SWIMMING POOLS

Sec. 22-301. Public swimming pools; adoption of rules and regulations.

All public swimming pools shall comply with the rules and regulations entitled "Public Swimming Pools Regulation" adopted by the Rockdale Board of Health on December 8, 1977, or as hereinafter amended, which rules and regulations are hereby adopted by reference as though fully set out at length in this section. Copies of the "Public Swimming Pool" rules and regulations are on file and shall be maintained at the Rockdale County office of Environmental Health and shall be available to the public for inspection.

(Ord. No. 0-2016-01, § 1, 3-2016)

Sec. 22-302. Penalties.

An "owner" or "operator" as defined by the rules and regulations entitled "Public Swimming Pools Regulation" that violates said rules and regulations may be charged with a violation of this article and subjected to the provisions of Rockdale County Code Section 1-11."

(Ord. No. 0-2016-01, § 1, 3-20-2016)

Secs. 22-303—22-310. Reserved.

### ARTICLE IX. TOURIST ACCOMMODATIONS

Sec. 22-311. Tourist accommodations; adoption of rules and regulations.

All tourist accommodations shall comply with the rules and regulations entitled "Tourist Accommodations" adopted by the Rockdale Board of Health on January 1, 2014, or as hereinafter amended, which rules and regulations are hereby adopted by reference as though fully set out at length in this section. Copies of the "Tourist Accommodations" rules and regulations are on file and shall be maintained at the Rockdale County office of Environmental Health and shall be available to the public for inspection.

(Ord. No. 0-2016-02, § 1, 3-2016)

Sec. 22-312. Penalties.

An "employee" or "person in charge" as defined by the rules and regulations entitled "Tourist Accommodations" that violates said rules and regulations may be charged with a violation of this article and subjected to the provisions of Rockdale County Code Section 1-11.

(Ord. No. 0-2016-01, § 1, 3-2016)

Secs. 22-313—22-320. Reserved.

## Chapter 26 CIVIL EMERGENCIES[[15]](#footnote-15)

### ARTICLE I. IN GENERAL

Secs. 26-1—26-30. Reserved.

### ARTICLE II. EMERGENCY MANAGEMENT

Sec. 26-31. Definitions.

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

*Agency* means the Rockdale County Emergency Management Agency.

*Energy emergency* means a condition of danger to the health, safety, welfare, or economic well-being of the citizens of this state arising out of a present or threatened shortage of usable energy resources; also any condition of substantial danger to the health, safety, or welfare of the citizens of this state resulting from the operation of any electrical power-generating facility, the transport of any energy resource by any means whatsoever, or the production, use or disposal of any source material, special nuclear material, or byproduct, as defined by the Atomic Energy Act of 1954, 68 Stat. 919, 42 USC 2011, et seq.; also any nuclear incident, as defined by the Atomic Energy Act of 1954, occurring within or outside this state, substantially affecting the health, safety, or welfare of the citizens of this state.

*Energy resources* means all forms of energy or power including, without limitation, oil, gasoline, and other petroleum products; natural or synthetic gas; electricity in all forms and from all sources; and other fuels of any description, except wood.

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar provisions, O.C.G.A. § 38-3-3.

Sec. 26-32. Rockdale County Emergency Management Agency created.

There is hereby created the Rockdale County Emergency Management Agency. This agency (in joint-action with the Conyers Emergency Management Agency) is created to organize forces, prepare plans and procedures, train personnel and conduct emergency operations that will save lives, minimize damage to property and provide immediate recovery operations, and any other emergency governmental functions, other than functions for which the state and federal governments are primarily responsible, for the protection of life and property in the county in both peacetime and attack-caused emergencies; to provide continuity of local government in emergency and post-emergency periods; to coordinate plans for mutual aid assistance with adjoining local governments; and when directed by the governor of the state, or his legal representative, to render aid to other stricken areas in declared emergency periods.

(Code 1978, § 2-3001)

Sec. 26-33. General duties.

The agency will provide for the organization, mobilization and direction of the civilian population and for the protection of public and private property, and provide necessary support agencies (those agencies required but not available in normal day-to-day operation of the government) to prevent, minimize, and repair injury and damage resulting from emergencies, energy emergencies, disasters, or the imminent threat thereof, of manmade or natural origin caused by enemy attack, sabotage, acts of domestic or international terrorism, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, radiological action, or other causes. These functions include, without limitation, firefighting services; police services; emergency medical services; rescue; engineering; warning services; communications; defense from radiological, chemical, biological, and other special weapons to include weapons of mass destruction; evacuation of persons from stricken areas; emergency welfare services; consequence management functions to include victim services; emergency transportation; plant protection; temporary restoration of public utility services; and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the such functions.

(Code 1978, § 2-3002)

State law reference(s)—Similar provisions, O.C.G.A. § 38-3-3.

Sec. 26-34. Emergency management director; duties.

(a) There is hereby created the office of the emergency management director. The county chairperson shall nominate, for appointment by the director of the state emergency management agency, an emergency management director, who upon appointment becomes an employee of the county and director of the emergency management agency.

(b) Upon appointment, the emergency management director is charged:

(1) To represent the county on all matters pertaining to the emergency management agency;

(2) To take the lead in coordinating the development of countywide emergency preparedness, for example:

a. Develop an emergency and disaster operations plan for effective mobilization of all resources of the county, both private and public;

b. Prepare and recommend for approval mutual aid plans and agreements;

c. Prepare and effectuate legal action for continuity of government;

d. Coordinate and advise government departments in development and implementation of the emergency and disaster operations plans and other required agencies or groups;

e. Procure needed federal and state assistance through emergency management channels and through federal assistance programs in such areas as law enforcement, highway safety, ambulance procurement, or emergency medical services and others.

(c) During a peacetime or attack-caused emergency, the chief executive of government is charged with the protection of life and property by law and is in overall command.

(d) The emergency management director will be responsible during an emergency:

(1) To advise the county chairperson and the board of commissioners in operational situations, public and privileged information, and implementation of the emergency plan;

(2) To direct and coordinate the activities of the emergency operation center staff; and

(3) To assist the chief executive in ensuring the execution of operations, plans and procedures required by the emergency.

(Code 1978, § 2-3003)

Sec. 26-35. Existing agencies; emergency management director.

It is an operational assumption of the civil preparedness program and emergency management agency that existing agencies of government will perform emergency activities related to those they perform in normal times. Auxiliary groups will be formed and trained under the direction and control of the operating department of government they are to support, and nongovernmental groups such as physicians or news media will be assigned emergency missions as necessary to develop a capability to augment or supplement existing agencies of government in responding to emergencies. A basic purpose of the local emergency management agency and its director shall be to provide for coordination of the operations of all such governmental and nongovernmental forces in emergencies, and to provide those unique civil preparedness skills and capabilities not available in existing government organizations. The emergency management director shall also inform the operating departments of government of those special conditions arising out of a nuclear attack which would call for a modification of traditional operating techniques.

(Code 1978, § 2-3004)

Sec. 26-36. Agency and existing departments.

(a) The county emergency management agency shall be established around existing county departments and agencies, and organized support forces, as needed to provide for the effective mobilization of all resources of the county, both private and public.

(b) Existing government departments, with or without support forces, will be commanded by their regular department executives, who will name for command three successors for emergency operation purposes.

(c) Organized support forces of the emergency management agency which are required for the functions of this agency, by law and need, will be provided from the populace and will have a chief executive, who will name for command three successors for emergency operation purposes.

(d) The departments, agencies and organized support forces of the emergency management agency will be named, their emergency functions and responsibilities defined in the emergency and disaster operations plan of the county.

(Code 1978, § 2-3005)

Cross reference(s)—Departments and agencies, § 2-91 et seq.

Sec. 26-37. Emergency powers; chairperson.

In the event of an actual enemy attack upon the United States or any other disaster which may affect the lives and property of the citizens of the county, the county chairperson, or in the absence of the county chairperson his legally appointed successor, who for emergency purposes to assure continuity of government will have three legally appointed successors, e.g., first, second, third, may declare that a state of emergency exists and thereafter shall have and may exercise, for such period as the state of emergency exists or continues, the following emergency powers:

(1) To enforce all rules, laws and regulations relating to emergency management and the emergency management agency and its components, and to assume direct operational control over all county emergency management and emergency management forces;

(2) To seize, take for temporary use, or condemn any property for the protection of the public;

(3) To sell, lend, give or distribute all or any seized property or supplies among the inhabitants of the county, to maintain a strict accounting of property or supplies distributed and for funds received for the property or supplies; and

(4) To perform and exercise any other functions and duties, and take any other emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the county and private and public property.

(Code 1978, § 2-3006)

Sec. 26-38. Emergency meeting of board of county commissioners.

(a) Upon a declaration of an emergency as provided in section 26-37, the county board of commissioners shall immediately be called into session to perform any duties necessary.

(b) The state of emergency and the resulting powers may be ended immediately upon a motion thereon being adopted by the county board of commissioners, or by an order of the officer declaring the emergency.

(Code 1978, § 2-3007)

Sec. 26-39. Emergency personnel.

All persons, other than officers and employees of the county, performing emergency functions pursuant to this article shall serve with or without compensation. While engaged in emergency functions, these persons shall have the same immunities as county officers and employees and shall have full authority, respective to their services, as any officer and employee of the county.

(Code 1978, § 2-3008)

Sec. 26-40. Prohibited acts.

It shall be unlawful during an emergency:

(1) To willfully obstruct, hinder or delay any member of the emergency management agency, and enforcement of any lawful rule or regulation issued pursuant to this article or in the performance of any duty imposed upon him by virtue of this article;

(2) To do any act forbidden by any lawful rules or regulations issued pursuant to this article if the act is of such a nature as to give assistance to the enemy or to imperil the life or property of any inhabitant of this political subdivision or to prevent, hinder or delay the defense or protection thereof; or

(3) To wear or carry or display without authority any mark or identification specified by the emergency management agency.

(Code 1978, § 2-3009)

Sec. 26-41. Liberal construction.

This article shall be construed liberally in order to effectuate its purposes.

(Code 1978, § 2-3010)

Secs. 26-42—26-70. Reserved.

### ARTICLE III. EMERGENCY REGULATIONS

#### DIVISION 1. GENERALLY

Secs. 26-71—26-90. Reserved.

#### DIVISION 2. SUSPENSION OF CODE PROVISIONS AND OTHER FORMALITIES

Sec. 26-91. Authority to waive procedures and fee structures.

(a) *Meetings.* Upon proclamation by the appropriate state official of an emergency or disaster of manmade or natural causes or enemy attack impending on or affecting the state or the United States, the affairs and business of the county may be conducted at places other than the regular or usual place thereof, within or outside of the county, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the county, all actions taken by the local governing body shall be as valid and binding as if performed within the county. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or in compliance with time consuming procedures and formalities otherwise required by law.

(b) *Purchasing and public works contracts.* Upon the declaration of a state of emergency by the governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein.

(c) *Code enforcement.* Upon the declaration of a state of emergency by the governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, its designee or the emergency interim successor may temporarily suspend the enforcement of this Code, or any portion thereof, where: (i) the emergency or disaster is of such nature that immediate action outside the Code is required; (ii) such suspension is consistent with the protection of the public health, safety and welfare; and (iii) such suspension is not inconsistent with any federal or state statutes or regulations.

(d) *Fees.* Upon the declaration of a state of emergency by the governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, its designee or the emergency interim successor may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the area impacted by the disaster or emergency.

(e) *Temporary dwellings.* Upon the declaration of a state of emergency by the governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, its designee or the emergency interim successor may issue temporary manufactured home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district while the primary dwelling is being repaired provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the county health department and the county department of public services and engineering. The temporary permit shall not exceed six in duration. In the case of continuing hardship and in the discretion of the governing authority or its designee, the permit may be extended for a period for an additional six months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

(Ord. No. 0-2002-10, § 1, 4-9-2002)

Sec. 26-92. Definitions.

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

*Fees* means any fee or rate charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits, and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term "fees" shall not include those fees collected by the county on behalf of the federal or state government or those fees charged by the county pursuant to a federal or state statute or regulation.

*State of emergency* means a state of emergency as defined by O.C.G.A. § 38-3-3(5), a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

*Subsequent recovery period* means the period of time that the disaster or emergency continues to cause disruptions in the area impacted by the disaster or emergency. The "subsequent recovery period" shall not exceed six months after the state of emergency declaration by the governor is terminated unless extended by official action of the governing authority of the county.

*Temporary dwelling* means any mobile or easily movable home, trailer, recreational vehicle or structure not otherwise permitted by the zoning regulations in a particular zoning district.

(Ord. No. 0-2002-10, § 2, 4-9-2002)

Cross reference(s)—Definitions generally, § 1-2.

Secs. 26-93—26-110. Reserved.

#### DIVISION 3. CURFEW

Sec. 26-111. Institution of curfew.

(a) Upon the declaration of a state of emergency by the governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, its designee or the emergency interim successor may adopt a resolution instituting a curfew when it is determined necessary to protect and safeguard the people and property of the county.

(b) All of the territory of the unincorporated county shall be subject to the terms of the curfew, unless otherwise specified in the resolution.

(c) The resolution instituting the curfew shall include the dates and hours that the curfew shall be in effect.

(Ord. No. 0-2002-11, § 1, 4-9-2002)

Sec. 26-112. Definitions.

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

*Curfew* means a regulation requiring the withdrawal from any person not otherwise exempt from this division from appearing in certain public areas during specified hours.

*Exempt individuals* means, unless otherwise specified in the resolution implementing the curfew, those individuals engaged in the provision of designated essential services such as fire, law enforcement, emergency medical services and hospital services, military services, and utility emergency repairs. The resolution may, in the discretion of the governing authority, also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair contractors, properly registered according to division 4 of this article pertaining to the registration and licensing of building and repair services during a state of emergency, performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the disaster or emergency.

*State of emergency* means a state of emergency as defined by O.C.G.A. § 38-3-3(5), a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

(Ord. No. 0-2002-11, § 2, 4-9-2002)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 26-113. Prohibition.

It shall be prohibited for any person, other than exempt individuals, to appear in public in the territory subject to the curfew, including but not limited to, streets, highways, alleys, sidewalks, vacant lots, parks, public buildings or any other public places in all or a delineated part of unincorporated areas of the county during the stated hours of the curfew.

(Ord. No. 0-2002-11, § 3, 4-9-2002)

Sec. 26-114. Penalties.

The penalty for a violation of this division shall be as provided in section 1-11.

(Ord. No. 0-2002-11, § 4, 4-9-2002)

Secs. 26-115—26-130. Reserved.

#### DIVISION 4. REGISTRATION OF BUILDING AND REPAIR SERVICES[[16]](#footnote-16)

Sec. 26-131. Building contractor registration required.

No person, firm, partnership, corporation or other entity shall engage in, undertake or carry on any business in whole or in part within the unincorporated areas of the county, consisting of or relating to building, constructing, repairing, renovating or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto without having registered the name of the business with the board of county commissioners and having paid fees as provided by this division.

(Ord. No. 0-2002-12, § 1, 4-9-2002)

Sec. 26-132. Definitions.

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

*Building contractor* means any person, firm, partnership, corporation or other entity engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto.

*Doing business.* Any building contractor shall be deemed to be "doing business" subject to the requirements of this division if:

(1) He has or operates an office, agency, project site or place of business located in the unincorporated areas of the county, whether permanently, temporarily, periodically, or otherwise, that provides the following activities in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or

(2) He performs the following activities or services in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto regardless of the location of the principal office.

*State of emergency* means a state of emergency as defined pursuant to O.C.G.A. § 38-3-3(5), as a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

*Subsequent recovery period* means that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed three months after the emergency declaration has been terminated by the governor.

(Ord. No. 0-2002-12, § 2, 4-9-2002)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 26-133. Registration; certification.

All building contractors doing business or proposing to do business in the unincorporated areas of the county during a state of emergency or the subsequent recovery period shall register and file applications with the clerk of the board of commissioners or such other person designated by the board of commissioners at the county courthouse or such other place or places designated by the county. The building contractor shall, under oath, provide the county governing authority with a statement describing the general nature of the business to be conducted and give true and correct information as may be called for on the registration form, application or certificate provided by the county.

(Ord. No. 0-2002-12, § 3, 4-9-2002)

Sec. 26-134. Registration fees.

Building contractor registration fees are fixed under the terms and conditions of this division at $50.00 per annum. Registration fees shall be paid in full at the time of issuance of the registration certification.

(Ord. No. 0-2002-12, § 4, 4-9-2002)

Sec. 26-135. Penalties.

Any building contractor required by this division to pay a registration fee who engages in business without first registering and receiving a registration certification from the county as required shall be in violation of this division. Section 1-11 shall apply to violations of this division. Each day a building contractor does business in the unincorporated areas of the county without complying with this division shall constitute a separate offense.

(Ord. No. 0-2002-12, § 5, 4-9-2002)

Sec. 26-136. Transferability.

Each certification issued under this division is granted to, and shall be accepted by, the building contractor under the condition that the certification is not transferable and after issuance no such certification shall be transferred by the county or the building contractor to another individual or entity.

(Ord. No. 0-2002-12, § 6, 4-9-2002)

Sec. 26-137. Display of registration certification.

Each certification issued under this division shall be posted conspicuously by the building contractor in the place of business of the building contractor or shall be carried on his person or vehicle used in such business. Such certification shall be exhibited to any authorized enforcement officer when so requested.

(Ord. No. 0-2002-12, § 7, 4-9-2002)

Sec. 26-138. Revocation; suspension.

Each certification granted under this division is a mere permit to engage in the business only so long as such business is conducted in a lawful manner. The county board of commissioners hereby reserves the right to revoke or suspend any certification granted under this division, if the building contractor, or the building contractor's agent or employee acting within the scope of his employment, violates this division or any other county, state or federal law. If after issuance of a certification the county desires to revoke such certification, written notice thereof shall be given to the building contractor, which notice shall specify the violation with which the building contractor is charged and a date, time and place at which a hearing shall be held with regard to the violation. The building contractor shall have an opportunity to be heard at such hearing, shall have the right to be represented by counsel, and shall have the right to introduce and submit evidence in opposition to such revocation.

(Ord. No. 0-2002-12, § 8, 4-9-2002)

Secs. 26-139—26-160. Reserved.

#### DIVISION 5. OVERCHARGING

Sec. 26-161. Prohibited.

In order to preserve, protect, or sustain the life, health, or safety of persons or their property, it shall be unlawful during the duration of a state of emergency, or subsequent recovery period in which the county has been designated as a disaster area, for any person located or doing business in the county to overcharge for any goods, materials, services or housing sold within the county.

(Ord. No. 0-2002-9, § 1, 4-9-2002)

Sec. 26-162. Definitions.

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

*Overcharging* means charging prices for goods, materials, services, or housing which are substantially in excess of the customary charges or in applicable cases substantially in excess of the supplier's or provider's costs for such goods, materials, services or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the goods, materials, services, or housing was offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies, and labor costs resulting from the emergency.

*State of emergency* means a state of emergency as defined pursuant to O.C.G.A. § 38-3-3(5), as a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or emergency is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

*Subsequent recovery period* means the period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed six months after the emergency declaration has been terminated by the governor unless extended by official action of the governing authority of the county.

(Ord. No. 0-2002-9, § 2, 4-9-2002)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 26-163. Penalties.

The penalty for a violation of this division shall be as provided in section 1-11.

(Ord. No. 0-2002-9, § 3, 4-9-2002)

## Chapter 30 COURTS[[17]](#footnote-17)

### ARTICLE I. IN GENERAL

Secs. 30-1—30-30. Reserved.

### ARTICLE II. CLAIMS; JUDGMENTS

Sec. 30-31. Definitions.

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

*Claim* means all claims presented against an employee prior to institution of a proceeding.

*Employee* means the members of the governing body of the county, employees of the county, elected or appointed county officers and their appointees and employees, including appointed members of the board of commissioners, councils, authorities and boards, past, present and future other than the county school board.

*Proceeding* means any matter of a civil nature in or before any court or agency of this state or of any other state or of the United States.

(Code 1978, § 3-4001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 30-32. Legal defense.

Whenever any claim is made or proceeding is brought against an employee, either against him asserting personal liability for damages arising out of the performance of his duties or in any way connected therewith, whether based on negligence, violation of contract rights or violation of civil, constitutional, common law or other statutory rights, whether federal, state or local, the county shall, upon his written request, provide for his defense unless otherwise limited by the terms of this article. The provisions of this article shall not apply unless the employee provides notice in writing of any claim or proceeding to one or more members of the county board of commissioners within 30 days after the employee has notice of a claim and/or within five days after the employee has been served with process in a proceeding initiated against him.

(Code 1978, § 3-4002)

Sec. 30-33. Grounds for refusal of defense.

(a) The county shall not provide for the defense of a claim or proceeding brought against an employee if:

(1) The act or omission did not arise out of and in the course of his county employment;

(2) The employee acted or failed to act because of actual or intentional misconduct, fraud, corruption or malice;

(3) Defense of the claim or proceeding by the county would create a conflict of interest between the county and the employee;

(4) The proceeding is a criminal prosecution; provided, however, that should the county employee be acquitted or the charges otherwise dismissed by the court, then the county shall provide for the defense of the case if and only if the alleged violation arose out of the employee's duties for the county;

(5) Provision of a defense against the claim or proceeding would not be in, the best interest of the county;

(6) The employee acts or fails to act as a result of, or at a time when, his own self-indulgence substantially impaired his judgment as, for example, an officer or employee who causes damage or injury while intoxicated or under influence of drugs while on the job;

(7) The employee acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to advice of the county attorney; or

(8) The employee acts or fails to act in such manner as to constitute a criminal act as, for example, the misappropriation of property or funds.

(b) Nothing contained in this section shall be construed to prohibit the county from providing a defense against a claim or proceeding where there is a conflict of interest between one employee or group of employees of the county as compared with another employee or group of employees.

(c) The determinations required by subsection (a) of this section shall be made by the board of commissioners.

(d) If two or more employees or groups of employees are involved, and the interest of one employee or group of employees conflicts with the interest of another employee or group of employees, then and in such event, the board of commissioners shall specify which employee or group of employees shall be represented by the county attorney and shall authorize other employees or groups of employees to employ counsels at the expense of the county; provided, however, that the selection and compensation of any other counsel shall be subject to prior approval by the board of commissioners.

(e) Where the board of commissioners is unable to determine initially whether a defense is authorized under this section, as in the case of charges being made in the proceedings of actual or intentional misconduct, fraud, corruption or malice on the part of the employee which cannot be initially disproved to the satisfaction of the board of commissioners upon investigation, then the board of commissioners may decide that the defense be allowed by the county or that the board of commissioners may reserve judgment until the conclusion of the proceeding, before or after any appeals thereon, upon whether to reimburse the employee for any attorney's fees and court costs he may have incurred.

(Code 1978, § 3-4003)

Sec. 30-34. Payment of judgments and settlement of claims.

(a) Where defense of a claim or proceeding against an employee is provided by this article, all final judgments awarded in a court of competent jurisdiction against employees in proceedings to which this article applies or any amount payable under any settlement of such proceeding or of claims in accordance with this article shall be paid by the county only as provided in this article. All compromises of claims or proceedings governed by this article shall be submitted to the board of commissioners for its prior approval and that approval shall only be sparingly granted upon legal advice and after a determination by the board of commissioners that such payment is in the best interest of the county on a case-by-case basis.

(b) Where the board has agreed to reimburse the employee for attorney's fees and court costs under section 30-33(d), the county may also provide for the payment of judgments and claims under this section.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, payment of judgments and claims shall be limited as follows:

(1) No sum shall be paid on behalf of any employee in any one claim or proceeding in excess of $10,000.00 for property damage, $25,000.00 in the case of any other claim or claims brought by any one claimant, and $100,000.00 for any number of claims by numerous claimants arising out of the same occurrence.

(2) No sum shall be paid under the provisions of this article for punitive or exemplary damages.

(3) No sum shall be paid under the provisions of this article unless the claimant unconditionally releases the employee and the county from any and all claims, causes of action or judgments arising out of the subject claim or proceeding.

(4) No sum will be paid under the provisions of this article unless the employee shall first pay $1,000.00 toward the total sum payable under the provisions of this article; provided, however, that this $1,000.00 shall be waived when in the opinion of the county attorney the facts of the particular case warrant such a waiver.

There is excluded further from the operation of this article any claim or proceeding as to which insurance is provided by the county.

(Code 1978, § 3-4004)

Sec. 30-35. Construction; governmental immunity.

Nothing contained in this article shall be deemed to constitute any waiver by the county of the governmental immunity afforded it under the constitution and laws of the state. Nothing contained in this article shall be interpreted in any way to reduce or eliminate the rights of any employee of the county against any other party.

(Code 1978, § 3-4005)

## Chapter 34 ELECTIONS[[18]](#footnote-18)

Sec. 34-1. Qualification fees for candidates not qualified by primary.

(a) The qualification fees for candidates in general elections for the following offices, who were not qualified as a result of a party primary, shall be as fixed, from time to time by the commissioners and entered in the official minutes:

(1) Clerk of the superior court;

(2) Sheriff;

(3) Judge of the probate court;

(4) Tax commissioner;

(5) County commissioner;

(6) County chairperson;

(7) Member of the county board of education;

(8) Coroner;

(9) Surveyor; and

(10) Magistrate.

(b) These qualification fees shall be paid to the board of elections of the county upon qualifying and shall be disbursed as provided in the state election code.

(Code 1978, § 1-2001)

State law reference(s)—Qualification fees, O.C.G.A. § 21-2-131.

## Chapter 38 EMERGENCY SERVICES[[19]](#footnote-19)

### ARTICLE I. IN GENERAL

Secs. 38-1—38-30. Reserved.

### ARTICLE II. AMBULANCES

Sec. 38-31. Definitions.

The definitions used in section 86-31 shall likewise apply to this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word or phrase not defined in this section, but otherwise defined in this Code, shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

*Advanced life support* means the base level of services and equipment to be provided by a service provider which shall include, at a minimum, basic life support plus the use of adjunctive equipment, the establishment of an intravenous line, the administration of fluids and drugs, cardiac monitoring, defibrillation, the control of arrhythmias, and postresuscitation care.

*Ambulance service provider* means any person furnishing convalescent or emergency care and transportation on the streets and highways of the county for wounded, injured, sick, invalid, or incapacitated human beings to or from a place where medical or hospital care is furnished.

*Basic life support* means that particular phase of emergency care that either (i) prevents circulatory or respiratory arrest or insufficiency through prompt recognition and intervention, or both; or (ii) externally supports the circulation and respiration of a victim of cardiac or respiratory arrest through cardiac pulmonary resuscitation (CPR).

*Director* means the director of the department of public services and engineering, or his designee.

*Paramedic* means any person who has been certified by the composite state board of medical examiners before January 1, 2002, or by the state department of human resources on or after January 1, 2002, as having been trained in emergency care techniques in a paramedic training course approved by the state department of human resources.

*Person* means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or other organization of any kind.

(Code 1978, §§ 7-1001, 7-8001)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar provisions, O.C.G.A. § 31-11-2.

Sec. 38-32. Ambulance service provider license required.

It shall be unlawful for any person to operate as an ambulance service provider in the county without having obtained a license in accordance with the requirements of this article.

(Code 1978, § 7-8002)

Sec. 38-33. Scope of regulations.

(a) All licenses issued under this article shall constitute a mere privilege to conduct the business so authorized during the term of the license only and subject to all terms and conditions imposed by the county and state law. The regulations of this article shall be in addition to and supplement state laws regulating ambulance service.

(b) Nothing in this article shall be construed to regulate, prevent or restrict in any manner any (i) physician, chiropractor, or physical therapist, licensed and regulated by or through the state while engaged in the practice of such profession; or (ii) any hospital or other professional healthcare establishment separately licensed as such by the state.

(Code 1978, § 7-8003)

Sec. 38-34. Application process; requirements.

Any person desiring to obtain an ambulance service provider license shall make application to the department of public services and engineering. All applications shall be sworn to by the applicant as true, correct and complete before a notary public or other officer authorized to administer oaths. All applications shall be in writing and shall set forth the following information:

(1) The full legal name of the applicant, including trade names currently or heretofore used by the applicant.

(2) The current and all previous business and resident addresses of the applicant within five years immediately preceding the date of application.

(3) Any emergency medical service or ambulance service business license history of the applicant, including whether such person in any previous operation in any jurisdiction has had such a license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to the action of suspension or revocation.

(4) Applicant shall provide a certificate demonstrating compliance with all state laws.

(5) If the applicant is a corporation or partnership, such corporation or partnership shall submit the information and exhibits set out in this section with regard to each employee, agent and partner.

(6) All license applications shall be accompanied by a fee as elsewhere established by the board of commissioners to defray costs associated with the issuance of such license.

(Code 1978, § 7-8004)

Sec. 38-35. Minimum standards.

No applicant shall be issued a license as an ambulance service provider unless the following standards are first met:

(1) The applicant must be the holder of a certification from the state evidencing compliance with state law and all rules and regulations promulgated by the governing state authority regarding the providing of ambulance service and emergency medical services.

(2) The applicant must provide in a format acceptable to the director evidence of the applicant's ability to deliver advanced life support minimum standard care which shall be inclusive of the equipment and supplies adjunctive to such care and further evidence that such equipment and supplies shall be available for all delivery and care services to be provided in the county. Inspection of the equipment and supplies shall be conducted by the director or his designee prior to the issuance of a license.

(Code 1978, § 7-8005)

Sec. 38-36. Issuance of license.

(a) *Review of applications.* If a license application is submitted in proper form, including all information and exhibits required in this article and accompanied by the correct fees, the application shall be accepted and a review of the application conducted by the director.

(b) *Action on applications.* Upon receipt of the application in accordance with the terms of this article, the director shall review and investigate such application and act on the application. The director shall deny any application that (i) fails to meet each of the application requirements specified in this article, (ii) fails to meet each of the minimum standards specified in this article, or (iii) contains false information. Otherwise, the director shall approve the application and the ambulance service provider license shall be issued by the department of public services and engineering upon the payment of any applicable county occupation tax. All licenses issued pursuant to this article shall be valid for a period of one year. If an application for a license is denied under this article, the applicant shall not be authorized to reapply for such denied license for a period of one year from the date of denial.

(c) *Appeals of denials or applications.* If the director denies a license, such denial shall be in written form addressed to the applicant at the application address and shall state the grounds upon which denial is based. Within ten days of issuance, the applicant may appeal the denial by submitting a written notice to the board of commissioners. The board of commissioners shall schedule a hearing on the appeal within 30 days of receipt of the notice of appeal and shall provide written notice thereof to the appellant. At the hearing, the appellant and the director may present evidence relating to the grounds for denial. The appellant may be represented by counsel at such hearing or may appear on his own behalf.

(d) *Decisions of board.* The board of commissioners shall decide the appeal within a reasonable time period. An appeal shall be sustained upon a finding by the board that the director's action was based on an erroneous finding of a material fact, or that he acted in an arbitrary manner. In exercising its powers, the board of commissioners may reverse or affirm, or may modify, the decision appealed from, and to that end shall have all the powers of the director and may issue or direct the issuance of a license provided all requirements imposed by applicable laws are met.

(Code 1978, § 7-8006)

Sec. 38-37. Transfers and sales prohibited.

All licenses issued pursuant to this article are nontransferable.

(Code 1978, § 7-8007)

Sec. 38-38. Change of location.

A change of location of an emergency medical service or ambulance service provider premises may be approved by the department of public services and engineering provided all general ordinances are complied with and a change of location fee as elsewhere established by the board of commissioners is first paid.

(Code 1978, § 7-8008)

Sec. 38-39. Renewals.

All valid licenses may be renewed for an additional one-year period provided a renewal application meeting all the requirements for an initial license application is submitted prior to the expiration of the existing license and approved by the director according to the same standards for initial licenses. The fee for such annual renewal shall be as elsewhere established by the board of commissioners.

(Code 1978, § 7-8009)

Sec. 38-40. Further requirements.

The following additional requirements shall apply to all license holders:

(1) The county through the department of public services and engineering shall have the right to inspect any licensed establishment and vehicles, and its records, at any time with or without notice during business hours to ensure compliance with this article.

(2) Any licensed provider shall provide a management plan to the director for annual review and approval. Such management plan will establish minimum standards for the delivery of advanced life support care and transport for 911 or other emergency response calls within the county.

(Code 1978, § 7-8010)

Sec. 38-41. Revocation of license.

(a) A license granted pursuant to this article shall be subject to revocation for cause. No license shall be revoked until after due notice and a hearing shall have been held before the board of commissioners to determine just cause for such revocation. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. The notice shall state the grounds of the complaints against the holder of such license and shall designate the time and place where such hearing shall be held.

(b) Notice of such hearing shall be served upon the license holder by delivering the notice personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. If the license holder cannot be found, and the service of the notice cannot be otherwise made in the manner provided in this article, a copy of such notice shall be mailed registered or certified, postage prepaid, addressed to the license holder at his place of business or residence at least ten days prior to the date of such hearing.

(Code 1978, § 7-8011)

Sec. 38-42. Grounds of revocation.

The license of an ambulance service provider may be revoked upon one or more of the following grounds:

(1) Failure of the holder to maintain initial requirements for obtaining the license.

(2) The holder has violated any of the provisions of this article.

(3) The holder has violated any of the provisions of state law or regulations promulgated thereunder, or the original application contains materially false information.

(4) The applicant has deliberately sought to falsify information contained therein.

(5) There has been an occurrence of a fact which would have barred the issuance of the original license.

(6) The services and equipment offered by the license holder do not comply with minimum advanced life support standards.

(7) Failure of the holder to actively supervise and monitor the conduct of employees and others in order to protect the health, safety and welfare of the general public.

(Code 1978, § 7-8012)

Sec. 38-43. Penalty for violations.

In addition to revocation, any person violating any of the provisions of this article shall be upon conviction thereof punished as provided for in section 1-11.

(Code 1978, § 7-8013)

Sec. 38-44. Existing practices.

Any person who is actually engaged as an ambulance service provider upon the effective date of the ordinance from which this article is derived, June 25, 1996, shall have 90 days from such effective date to comply with this article.

(Code 1978, § 7-8014)

## Chapter 42 ENVIRONMENT[[20]](#footnote-20)

### ARTICLE I. IN GENERAL

Sec. 42-1. Noises prohibited.

(a) *Definitions.*

*All-terrain vehicle* shall mean any motor vehicle designed or used for recreational off-road use, including but not limited to dirt bikes, four-wheelers, or other similar vehicles.

*Amplification* shall mean any electric, electronic, digital, or mechanical means for the intensification or augmentation of voice, music or other sound.

*Commercially zoned area* shall mean any real property zoned to any zoning classification not listed in the definition or "residential district" found in section 106-1 of this Code.

*Construction and utility work* shall mean any site preparation, assembly, erection, repair, alteration, demolition or similar action of buildings or structures or equipment or fixtures for the distribution of water, sewerage, electricity, natural gas, telephone, cable television or other utility services.

*Lawn equipement* shall mean any diesel, gasoline, mixed fuel or electric powered mowers, blowers, edgers, chipper/shredders, lawn tractors, saws, tillers, stumpgrinders, or other similar machine.

*Motor vehicle* shall mean any vehicle that is propelled or drawn on land by an engine or motor, whether designed for on-road or off-road use.

*Multi-unit dwelling* shall mean any residential building containing more than one dwelling, residence or unit, including, but not limited to, apartment buildings, duplexes, hotels, motels, lodging or boarding houses and similar dwellings.

*Musical equipment* shall mean any electric or battery operated device, machine or equipment for the reception, playing, production, reproduction or amplification of music, speech or other sound of any type.

*Property line* shall mean either (a) the imaginary line, including vertical extension that separates one parcel of real property from another; or (b) the vertical and horizontal boundaries of a dwelling unit of a multi-unit dwelling.

*Residentially zoned area* shall mean any real property zoned to one of the zoning classifications listed in the definition of "residential district" found in section 106-1 of this Code.

(b) *Musical equipment in motor vehicles.* It shall be unlawful for any person to operate or cause to be operated in or on a motor vehicle musical equipment which causes the music, speech or sound produced thereby to be plainly audible at a distance of 100 feet from the point of origin. To be "plainly audible" words or phrases need not be discernable and bass reverberations may be included. Law enforcement vehicles, and motor vehicles used for business or political purposes which in the normal course of conducting such business use sound-making devices, are exempt from te prohibitions of this subsection.

(c) *Musical equipment in multi-unit dwellings.* It shall be unlawful for any person to operate or cause to be operated in or on the cartilage of any unit in a multi-unit dwelling any musical equipment which causes such music, speech or sound to be plainly audible beyond the property line of such unit so as to be heard outside the unit or within another unit in the same or another building.

(d) *Musical equipment in residentially zoned areas.* It shall be unlawful for any person to operate or cause to be operated on private property within a residentially zoned area musical equipment which causes such music, speech or sound to be plainly audible to a person of ordinary hearing ability beyond the property line of the property from which the sound is originating.

(e) *Musical equipment in commercially zoned areas.* It shall be unlawful for any person to operate or cause to be operated on private property within a commercially zoned area musical equipment which causes such music, speech or sound to be plainly audible a beyond the property line from which the sound is originating between 12:01 a.m. and 8:00 a.m. on Sunday through Thursday and between 1:00 a.m. and 8:00 a.m. on Friday and Saturday.

(f) *Musical equipment outside residentially zoned area audible within residentially zoned areas.* It shall be unlawful for any person to operate or cause to be operated on private property outside a residentially zoned area musical equipment which causes such music, speech or sound to be plainly audible within the boundary of a residentially zoned area.

(g) *Horns.* It shall be unlawful for any person to sound a horn or other device for signaling by a sound within any residentially zoned area, or outside a residentially zoned area that is plainly audible within a residential area for a sustained period of time. Horns or other warning devices required or permitted by O.C.G.A. § 40-8-70 being used a traffic warning devices are exempt from the prohibitions of this subsection. For purposes of this subsection "sustained period of time" shall be defined as a period of time during which the sound is continuous for a period of 15 minutes or more, or such sound is heard intermittently for 30 minutes or more.

(h) *Construction and utility work.* It shall be unlawful for any person to engage in construction or utility work within a residentially zoned area between the hours of 10:00 p.m. and 7:00 a.m. during the week (Monday morning through Friday night), and between the hours of 10:00 p.m. and 9:00 a.m. on weekends (Saturday morning through Sunday night). It shall not be a violation of this section:

(1) To take action made necessary by an emergency to secure property damaged by calamity, to restore or deliver essential utility services including, but not limited to, repairing water, gas, electric, telephone or sewerage services, removing fallen trees or other debris from public rights-of-way, or abating life-threatening conditions; or

(2) If, during a time when construction and utility work would otherwise be prohibited, the noise generated by such work is not plainly audible beyond the property line of the property from which the sound is originating.

(i) *Lawn equipment.* It shall be unlawful for any person to operate or cause to be operated lawn equipment within a residentially zoned area between the hours of 9:00 p.m. and 7:00 a.m.

(j) *All-terrain vehicles.* It shall be unlawful for any person to operate or cause to be operated an all-terrain vehicle in any residentially zoned area in a manner which causes such all-terrain vehicle to be plainly audible at a distance of 300 feet beyond the property line of the property from which the all-terrain vehicle is being operated.

(k) *Special event permits.* No activity conducted on public property for which a special event permit for a public property location has been issued by Rockdale County pursuant to Code section 218-2 shall constitute a violation of this section. This section shall apply to activity conducted under a special event permit issued by Rockdale County pursuant to Code section 218-2 for a private property location.

(l) *Emergency sirens.* No sound emitted by a law enforcement or emergency vehicle as a traffic signaling or warning device shall constitute a violation of this section.

(Code 1978, § 9-1004; Ord. No. 2007-21, § 1, 9-25-2007; Ord. No. 0-2010-05, § 7, 4-27-2010)

Sec. 42-2. Water quality control.

(a) *Declaration of policy.*O.C.G.A. § 12-5-27.1 provides that whenever a local governmental entity is required by the environmental protection division to reduce phosphorous in its wastewater, being discharged into the water of the state, such local governmental entities shall pass an ordinance mandating the retail sale of low-phosphorous household laundry detergent as part of its phosphorous reduction process. It is hereby declared to be the public policy of the county to encourage the use of clean, phosphate-free household laundry detergents and to prohibit the sale of household laundry detergents which contain more than 0.5 percent phosphorous by weight. The county finds that such use and sale will be a cost-effective way to reduce the amount of phosphorous in wastewater discharge so as to protect the state's rivers and lakes downstream and promote the health, safety and welfare, and prevent injury to human health, plant and animal life and property. It is vital to the health, well-being and welfare of present and future inhabitants of the county that these sources be protected against contamination and pollution.

(b) *Definitions.* The following definitions shall apply an interpretation and enforcement of this section:

(1) *Household laundry detergent* means a laundering, cleaning compound in liquid, bar, spray, tablet, flake, powder, or other form used for domestic clothes cleaning purposes. The term "household laundry detergent" shall not mean:

a. A dishwashing compound, household cleaner, metal cleaner, degreasing compound cleaner, commercial cleaner, industrial cleaner, or other substance that is intended for nonlaundry cleaning purposes;

b. A detergent used in dairy, beverage, or food processing cleaning equipment;

c. A phosphorous acid product, including a sanitizer, brightener, acid cleaner or metal conditioner;

d. A detergent used in hospitals, veterinary hospitals or clinics, or health care facilities or in agricultural production;

e. A detergent used by industry for metal cleaning or conditioning;

f. A detergent manufactured, stored or distributed for use or sale outside of the state;

g. A detergent used in any laboratory, including a biological laboratory, research facility, chemical laboratory or an engineering laboratory; or

h. A detergent used in a commercial laundry services for a hospital, health care facility, or veterinary hospital.

(2) *Person* means any person, firm, partnership or corporation.

(3) *Phosphorous* means elemental phosphorous.

(c) *Sale of detergents regulated.* It shall be unlawful for any person to sell at the retail level a household laundry detergent which contains greater than 0.5 percent phosphorous by weight and is intended to be used for domestic clothes-cleaning purposes.

(d) *Penalties for violation.*Section 1-11 shall apply to a violation of this section.

(e) *Court action.* In addition to the penalty provided in subsection (d) of this section, the county may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this section.

(f) *Other actions authorized.* Nothing in this section shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property arising out of a violation of this section and to maintain any action or other appropriate proceeding therefor.

(Code 1978, § 9-1004)

Secs. 42-3—42-30. Reserved.

### ARTICLE II. JUNK VEHICLES[[21]](#footnote-21)

Sec. 42-31. Definitions.

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

*Abandoned vehicle* means any motor vehicle which:

(1) Has been left by the owner or some person acting for the owner with an automobile dealer, repairman, or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of 30 days after the time agreed upon; or within 30 days after such vehicle is turned over to such dealer, repairman, or wrecker service when no time is agreed upon; or within 30 days after the completion of necessary repairs;

(2) Has been left unattended on a public street, road, or highway or other public property for a period of at least five days and when it reasonably appears to a law enforcement officer that the individual who left such motor vehicle unattended does not intend to return and remove such motor vehicle;

(3) Has been lawfully towed onto the property of another at the request of a law enforcement officer and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage;

(4) Has been lawfully towed onto the property of another at the request of a property owner on whose property the vehicle was abandoned and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage; or

(5) Has been left unattended on private property for a period of not less than 30 days.

*Junk vehicle* means any motor vehicle, including parts thereof, which has been discarded, dismantled, wrecked, scrapped, ruined, partially dismantled, rendered inoperative otherwise incapable of being safely and legally operated on the public streets, roads and highways of the State of Georgia so that such motor vehicle constitutes a health hazard or unsightly nuisance. Failure to display on the vehicle a current license plate shall constitute prima facie evidence that such vehicle is incapable of being safely and legally operated on the public streets, roads and highways of the State of Georgia.

(Ord. No. 2006-13, § 1, 5-23-2006)

Sec. 42-32. Public nuisance and unlawful parking of junk vehicles.

It shall be unlawful for any person to park or cause to be parked any junk vehicle on public property or any private lot, tract or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the county. The presence of any junk vehicle on any property shall be deemed a public nuisance except as otherwise stated in this article. It shall be unlawful for any person to cause or maintain such a public nuisance by parking or maintaining a junk vehicle on the real property of another or on public property, or to permit or allow junk vehicles to be parked or maintained on a person's own property.

(Ord. No. 2006-13, § 1, 5-23-2006)

Sec. 42-33. Exceptions.

Section 42-32 shall not apply to:

(1) Any motor vehicle kept in an enclosed building that is i) attached to the main dwelling, or ii) located in the rear yard of the property;

(2) Any motor vehicle on the premises of a business enterprise operated in a lawful manner, when necessary for the operation of the business;

(3) Any motor vehicle on property occupied and used for repair, reconditioning and remodeling of motor vehicles in conformance with the zoning ordinances of the county set forth in chapter 130; or

(4) Any motor vehicle which is located within the premises of any junkyard complying with the laws of the state relating to the licensing and regulating of motor vehicle junkyards.

(Ord. No. 2006-13, § 1, 5-23-2006)

Sec. 42-34. Disposition of junk vehicles.

The county is authorized to remove and dispose of any junk vehicle, notwithstanding the fact that such vehicle may be located on private property. No such vehicle shall be disposed of in less than 30 days from the time the junk vehicle is removed. Prior to the disposal of such vehicle and if such vehicle is affixed with a current license tag, the current owners and lienholders of the motor vehicles shall be identified by a records search in the state department of revenue; and upon the identification of the owners and lienholders, they shall be notified of the pending disposal by registered or certified mail, return receipt requested.

(Ord. No. 2006-13, § 1, 5-23-2006)

Sec. 42-35. Disposition of abandoned vehicles.

Disposition of abandoned vehicles shall be in compliance with and pursuant to the provisions of the Georgia Abandoned Motor Vehicle Act, O.C.G.A. § 40-11-1 et seq.

(Ord. No. 2006-13, § 1, 5-23-2006)

Sec. 42-36. Enforcement.

(a) Enforcement of this article shall be the responsibility of the code enforcement officers of the department of planning and development or any Rockdale County Sheriff's deputy.

(b) When a motor vehicle is deemed to be a junk vehicle in violation of this Code by an authorized enforcement officer, such officer may issue a written warning notice to the parties owning or in apparent possession of the motor vehicle, or the owner of the property upon which the motor vehicle is located, to remove the vehicle within five days. If the owner or person in apparent possession of the vehicle is not ascertainable, written notice may be given by attaching such notice to the vehicle. Written notice to the property owner shall be by certified mail to the address listed in Rockdale County property tax records. If the junk vehicle is not removed within five days, the owner of the motor vehicle or the owner of the land on which it is located shall be issued a citation. If a junk vehicle is found in violation on the property of an owner who has been cited within the past 12 months for the same offense, then the authorized enforcement officer may immediately issue a citation to the parties owning or in apparent possession of the motor vehicle, or the owner of the property upon which the motor vehicle is located.

(c) Each and every day that any such violation exists shall be deemed a separate offense.

(Ord. No. 2006-13, § 1, 5-23-2006; Ord. No. 0-2017-04, § 1, 4-25-2017)

Secs. 42-37—42-70. Reserved.

### ARTICLE III. NUISANCES GENERALLY[[22]](#footnote-22)

#### DIVISION 1. GENERALLY

Sec. 42-71. Definitions.

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

*Animals* means horses, ponies, mules, cattle, sheep, goats, swine, dogs, rabbits, guinea pigs, hamsters or similar animals.

*County board of health* means the board of health of the county as established by O.C.G.A. §§ 31-3-1 and 31-3-2.

*Enclosure* means any uncovered, enclosed parcel of land where animals and/or fowl are kept.

*Fowl* means chickens, turkeys, geese, ducks, pigeons and similar fowl.

*Health officer* means the chief executive of the county board of health, or his authorized representative.

*Housing* means any building, shed, cage, pen, or similar structure used for the housing of animals and/or fowl.

*Nuisance* means whatever is detrimental or dangerous to human life or health and whatever renders or tends to render soil, air, water or food impure or unwholesome and shall specifically include unsanitary conditions enumerated in this article.

(Code 1978, § 9-5001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-72. General provisions.

The following are specifically declared to be unsanitary conditions which are or will become nuisances and, as such, are prohibited by this article and no person shall create, maintain, support, aid or continue those conditions. Upon written notice from the health officer, these conditions shall be corrected:

(1) Toilets or sanitary facilities, plumbing or sewers in bad repair.

(2) Conditions which are conducive to the breeding of flies, mosquitoes or other insects.

(3) Trash, garbage, refuse or any foul, decaying or putrescent material kept or used in such a manner or place as to be or become a nuisance or breeding place for rodents.

(4) Contamination of lakes, ponds, streams and other waters by manmade or other contaminants.

(5) Manmade or mechanically induced noxious air contaminants.

(6) Keeping of horses, mules, asses, cows, sheep, goats, hogs, dogs, rabbits, guinea pigs, hamsters, chickens, turkeys, geese, ducks, pigeons or similar fowl or animals except under the following conditions:

a. Any housing or enclosures used by any animals or fowl shall be well drained, free from accumulation of animal excrement and objectionable odors, and otherwise clean and sanitary to the extent that it will not injure the health, safety or comfort of the citizens affected thereby. Animal and/or fowl excrement shall be disposed of in a manner approved by the health officer.

b. Hogs, cows, goats, mules, horses or similar animals shall not be permitted in a residential subdivision, the lots of which contain less than 1½ acres each; 1½ acres to five acres, one each except horses, no more than two horses.

c. Any housing or enclosure used for the keeping of such animals or fowl shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner:

|  |  |  |
| --- | --- | --- |
| Animals | | Distance |
| 1. | Horses, asses, mules, cows, sheep or goats. | 100 feet |
| 2. | Three hogs or less | 500 feet |
| 3. | Four hogs or more | 900 feet |
|  | Unless in A-R zoning with a sanitary operation approved by the U.S. Soil Conservation Service | 500 feet |
| 4. | Four or more dogs | 100 feet |
| 5. | Five or more rabbits, guinea pigs, hamsters or similar animals | 100 feet |
| 6. | Less than 25 fowl | 100 feet |
| 7. | Twenty-five or more fowl | 1,000 feet |

d. All such animals or fowl (except dogs in area where confinement of dogs under the rabies control regulations does not apply) shall be kept in adequate enclosure or tethered.

e. Diseased animals or fowl which might infect healthy animals or cause a menace to the public health shall be isolated or destroyed as the health officer deems necessary.

f. In the case of bona fide licensed pet shops, veterinary hospitals, stockyards, poultry houses and similar commercial establishments, the health officer may recommend modification of these requirements where undue hardship would result from their strict enforcement. Upon his recommendation, the county board of health may grant a variance to the party affected.

(7) Open, abandoned wells.

(Code 1978, § 9-5002)

Sec. 42-73. Inspections and investigations.

(a) The health officer shall have the right to enter on any premises at reasonable times and to make any inspections and investigations as he shall deem necessary to enforce the regulations of the board of health and of the county and to protect the public health.

(b) No person shall refuse to allow the health officer to fully inspect any and all premises, and no person shall molest or resist the health officer in the discharge of his duties.

(c) The health officer may take and examine reasonable samples of any substance suspected of creating a nuisance or menace to the public health. The health officer shall promptly investigate every bona fide complaint coming under this jurisdiction, but he may at his discretion refuse to investigate any anonymous complaints.

(Code 1978, § 9-5003)

Sec. 42-74. Hauling building materials at night.

It shall be unlawful for any person to haul or transport any building materials by means of any vehicle between the hours of 8:00 p.m. and 7:00 a.m. unless the driver of the vehicle has in his possession documents establishing the ownership of such building materials or the vehicle is owned by a governmental entity or public utility and is operated by an authorized employee of such governmental entity or utility, or the vehicle is subject to regulations of the state public service commission or the Interstate Commerce Commission. As used in this section, the term "building materials" shall mean and include any new materials customarily used in building or construction work and which have a reasonable fair market value in excess of $100.00.

(Code 1978, § 9-5009(a))

Cross reference(s)—General provisions of planning and development, ch. 102.

Sec. 42-75. Control on construction sites during certain hours.

(a) *No trespassing upon construction sites.*

(1) *In general.* Anyone who, between the hours of 6:00 p.m. and 6:00 a.m. or on a Saturday, Sunday or holiday, knowingly and without authority enters upon the premises of a construction site which is located within the unincorporated area of the county and which is posted with a notice sign "No trespassing between the hours of 6:00 p.m. and 6:00 a.m. or on weekends or holidays by order of the Rockdale County Sheriff's Department" shall be deemed to be in violation of this section.

(2) *Construction site defined.* The term "construction site" as used in this section shall include both residential and commercial construction sites. The term "construction site" shall not include sites where additions or improvements are being made to an existing residential structure or where a garage, shed, etc., is being built adjacent to an existing residential structure.

(3) *No-trespassing signs to be posted.* Before entry upon a construction site shall be a violation of this section, the person, company or corporation in rightful possession of the property or the builder, contractor, etc., must post the appropriate no-trespassing sign at the construction site itself or in such a conspicuous manner as to give notice that the sign applies to an entire subdivision or commercial complex that is then under construction.

(4) *Preparation and purchase of signs.*

a. *Preparation of no-trespassing signs to be posted.* The notice signs will be prepared by the department of public services and engineering and will contain the words "No trespassing between the hours of 6:00 p.m. and 6:00 a.m. or on weekends or holidays by order of the Rockdale County Sheriff's Department." No other signs will comply with the provisions of this section.

b. *Purchase of no-trespassing signs.* The developer, builder, contractor, etc., may buy the trespassing signs from the department of public services and engineering at the time the building permit is obtained.

(5) *Persons to contact.* The name and phone number of the person or persons to contact in reference to a possible violation of this section shall either be posted along with the no-trespassing sign or furnished to the sheriff's department.

(6) *Persons authorized to be on the site.*

a. The property owner, contractor, etc., shall either furnish the sheriff's department a list of the persons authorized to be on the construction site during the posted hours, post a list of the authorized persons at the site, or furnish the authorized persons with an identification card or other written permission to be on the site during the posted hours.

b. Duly authorized real estate agents or brokers who possess proper identification, along with their prospective purchasers, who are on the construction site on official business are not required to have an identification card or written permission to be on the construction site.

(b) *Content of signs to be posted.* The content of signs to be posted shall be as follows: "No trespassing between the hours of 6:00 p.m. to 6:00 a.m. or on weekends or holidays; by order of the Rockdale County Sheriff's Department."

(Code 1978, § 9-5010(a), (b))

Sec. 42-76. Parking of motor vehicles in shopping center parking lots.

(a) It shall be unlawful to park an automobile, truck or other vehicle in a shopping center parking lot in the county between the hours of 7:30 p.m. and 4:00 a.m., except to:

(1) Park in order to frequent the establishments of the merchants of the shopping center in question;

(2) Park on a temporary basis to take part in a driving pool or a park-and-ride arrangement, assuming permission of the shopping center's owner; or

(3) Park for any other reasons pursuant, to the written permission of the shopping center's owner.

(b) Upon request of a police officer, an individual shall present the shopping center owner's written consent which is required pursuant to exceptions in subsections (a)(2) and (a)(3) of this section.

(c) The purpose of this section shall be to prevent the obstruction of traffic in shopping center parking lots.

(Code 1978, § 9-5011)

Cross reference(s)—Traffic and vehicles, ch. 94.

Sec. 42-77. Livestock at large.

It shall be unlawful for any owner to permit livestock to run at large on or to stray upon the public roads of the county or any property not belonging to the owner of the livestock except by permission of the owner of such property. For purposes of this section, the term "livestock" shall mean horses, cows, goats, pigs, chickens and similar farm animals.

(Ord. No. 0-1999-26, § I, 12-14-1999)

Cross reference(s)—Animals, ch. 18.

Sec. 42-78. Environmental health fees of the board of health.

(a) A certain document entitled "Fees for Environmental Health Services," adopted by the board of health on June 7, 1984, and subsequently approved by the board of commissioners in Resolution 1984-18, is hereby incorporated by reference herein; and a copy thereof shall be maintained in the office of the board of commissioners for public inspection.

(b) Amendments to the fees for environmental health services may be adopted by ordinance and shall thereby be incorporated by reference herein, and the amendments shall be available to the public in the same manner as the original regulations.

(Code 1978, § 9-5015)

Cross reference(s)—Health and sanitation, ch. 50.

Sec. 42-79. Weapons; discharge.

(a) It shall be unlawful for any person to fire a shotgun, pellet gun or BB gun within the unincorporated area of the county within 150 feet of any residence, place of worship, business or public meeting place or roadway.

(b) It shall be unlawful for any person to fire any center fire or rim fire rifle, pistol or revolver or black powder weapon within the unincorporated area of the county within 500 feet of the residence of another located in zoning districts A-R, W-P or A-M; any place of worship, business or public meeting place or roadway; or within any unincorporated area of the county within zoning districts R-1, R-1B, R-2, R-3, O-I, C-1, C-2, M-1, M-2 and M-H.

(c) It shall be unlawful for any person to intentionally, negligently or carelessly discharge any firearm in such a manner as to be likely to cause bodily injury or death to persons or domestic animals or cause destruction of property.

(d) It shall be unlawful to discharge any weapon across the property line of another without first obtaining the permission of such property owner.

(e) Special activity permits may be granted as an exception to the provisions of this section by the sheriff's department. Applications for such permits must be submitted to the sheriff's department on the approved form provided by the sheriff's department.

(f) This section shall not apply to any law enforcement officer while in the discharge of his official duties, nor to any individual lawfully defending any person or property.

(Code 1978, § 9-5016)

Sec. 42-80. Lakeview Estates.

(a) It shall be unlawful for any person to remain in or upon the county-owned property within the Lakeview Estates Subdivision between the hours of 10:00 p.m. and 6:00 a.m.

(b) It shall be unlawful for any person to possess or consume any alcoholic beverage, including but not limited to beer, wine and liquor, in or upon the county-owned property within the Lakeview Estates Subdivision.

(c) It shall be unlawful for any person to deposit litter, as defined in section 78-1, in or upon the county-owned property within the Lakeview Estates Subdivision.

(d) It shall be unlawful for any person to discharge any firearms, including but not limited to rifles, shotguns or pistols, in or upon the county-owned property within the Lakeview Estates Subdivision.

(Code 1978, § 9-5017; Ord. No. 2010-07, § 1, 5-11-2010)

Sec. 42-81. Public nuisance; traffic right-of-way.

Any tree, shrub, mailbox, fence, sign, or parts thereof growing or installed on public or private property which either interferes or endangers the use of the public street obscures sight distances and creates a traffic hazard on intersections; or endangers the life, health, safety or property of the public shall in the opinion of the director of the department of public services and engineering be declared a public nuisance. The owner shall be notified in writing by certified mail of the existence of the nuisance and be granted 15 days from the time of notification for instigating corrective measures or removal pursuant to the instructions provided by the director or his designated representative. If the declared nuisance is not corrected within 30 days of the issuance of notification, the director of the department of public services and engineering shall cause the nuisance to be corrected or removed and the cost incurred by the county for correction or removal may be assessed to the owner.

(Code 1978, § 9-5018)

Sec. 42-82. Sanctions and penalties.

Section 1-11 shall apply to this article.

(Code 1978, § 9-5004)

Secs. 42-83—42-100. Reserved.

#### DIVISION 2. REGULATION OF VACANT REAL PROPERTY[[23]](#footnote-23)

Sec. 42-101. Definitions.

The following terms used or referred to in this Code shall have the respective meanings:

(a) *Agent* shall mean an individual with a place of business in this state at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.

(b) *Foreclosed real property* shall mean improved or unimproved real property for which a land disturbance permit has been issued by the county and is held pursuant to a judicial or non-judicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.

(c) *Owner* shall mean any person or persons having any individual, joint or common title or interest in real property defined by the laws of the State of Georgia as a legal or equitable estate or interest.

(d) *Registration* shall mean the filing of a registration statement with the office of code enforcement.

(e) *Registration statement* shall mean the form(s) required to be filed with the office of code enforcement pursuant to this article.

(f) *Residential rental property* shall mean a dwelling lawfully occupied as a residence pursuant to a lease instrument by one or more tenants. A dwelling which is vacant, as defined herein, as opposed to occupied, shall be subject to registration notwithstanding the owner's intent to lease such dwelling on a future date.

(g) *Registry* shall mean the official record, electronic or otherwise, of registration of structures required by this article.

(h) *Street address* shall mean the street or route address. Such term shall not mean or include a post office box.

(i) *Vacant real property* shall mean real property that is either: (1) intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or (2) is partially constructed or incomplete, without a valid building permit. Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage.

(Ord. No. 2018-14, § 1, 11-13-2018)

Sec. 42-102. Registration.

(a) Duty to register. It shall be the affirmative duty of each owner of real property to file a complete registration statement with the department of planning and development upon such property becoming vacant real property within the meaning of this article.

(b) Notwithstanding the foregoing, the filing of a registration statement of vacant real property shall not be required by this article within 90 days of such real property's transfer:

(1) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or

(2) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale or acquired pursuant to a deed in lieu of foreclosure.

After 90 days from either transfer it shall be the affirmative duty of each owner of vacant real property to file a complete registration statement with the office of code enforcement.

(c) Exemption for foreclosed real property. Notwithstanding section 42(a) and (b), when any vacant real property is acquired by foreclosure under power of sale, or acquired pursuant to a deed in lieu of foreclosure and;

(1) The deed under power of sale or deed in lieu of foreclosure contains the information specified in subsections (1) through (5) of section 42(a);

(2) The deed is filed with the Clerk of Superior Court within 60 days of the transfer; and

(3) Proof of the following is provided to the office of code compliance:

(i) A filing date stamp or a receipt showing payment of the applicable filing fees; and

(ii) The entire deed under power of sale or entire deed in lieu of foreclosure, the transferee shall not be required to register such foreclosed real property of this article or the payment of any administrative fees of this article.

(d) Penalties for failure to register or to update. Any owner that fails to register or to update the information specified in section 42 shall be in violation of the Rockdale County Code and shall be subject to the provisions of Rockdale County Code Section 1-11.

(Ord. No. 2018-14, § 2, 11-13-2018)

Sec. 42-103. Registration statement.

(a) *Registration statement.* Until such time as the Georgia Department of Community Affairs promulgates a standard registry form, the office of code enforcement is authorized to prepare registry forms, in paper or electronic format. On such form, each registrant shall be required to file with the office of code enforcement only the following information:

(1) The real property owner'(s) name, the street address, mailing address, phone number, facsimile number, email address, Driver's license number, state of issue and date of birth;

(2) The agent's name, street address, mailing address, phone number, facsimile number, and email address, Driver's license number, state of issue and date of birth;

(3) The real property's street address and tax parcel number;

(4) The transfer date of the instrument conveying the real property to the owner; and

(5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

(b) *Updated registration statement.* The owner shall notify the department of planning and development, within 30 days, of any change in the information provided in the registration statement and regardless of whether the information provided was in the deed under power of sale or deed in lieu of foreclosure, by filing an updated registration statement on a form provided by the department of planning and development for such purposes. There shall be no fee for the filing of an updated registration statement.

(c) *Initial validity/renewal.* The registration shall remain valid for 12 months from the date of the filing of the registration statement. In the event that ownership of a registered structure changes during this period, the new owner shall file an amended registration statement within 20 days of accepting the vesting instrument. The owner shall be required to renew the registration for successive 12-month periods as long as the real property remains vacant for any part thereof.

(Ord. No. 2018-14, § 3, 11-13-2018)

Sec. 42-104. Registration/renewal fee.

At the time of the filing of the registration statement, the owner shall pay a registration fee in the amount of $60.00 for each vacant real property. No registration statement shall be deemed filed unless the fee has been paid. For a parcel of land containing two or more buildings under common ownership, only one registration statement and one fee shall be required.

At the time of the expiration of the original filing, the owner shall be responsible for renewing the registration statement if the property is still vacant. The owner shall pay a registration fee in the amount of $100.00 for each vacant real property. No registration statement shall be deemed filed unless the fee has been paid. For a parcel of land containing two or more buildings under common ownership, only one registration statement and one fee shall be required. The property is inspected to determine its maintenance, and any fees to maintain the property shall be assessed, and due at the time of renewal.

(Ord. No. 2018-14, § 4, 11-13-2018)

Sec. 42-105. Electronic registration.

The department of planning and development is authorized to administer, or contract for the administration of, the provisions of this article pursuant to an electronic and/or web-based registry system for the registration of structures subject to this article.

(Ord. No. 2018-14, § 5, 11-13-2018)

Sec. 42-106. Maintenance of vacant real property.

The owner of any vacant building or dwelling, shall, within 30 days of registration, do the following:

(a) Enclose and secure the building or dwelling as provided; and

(b) If deemed essential by the director of planning and development, post a sign affixed to the building or dwelling indicating the name, address and telephone number of the owner and the owner's authorized agent for the purpose of notice and/or service of process. The name, address and telephone number of a person responsible for day-to-day supervision and management of the building or dwelling, if such person is different from the owner holding title or authorized agent shall be indicated on the sign as well. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer; and

(c) Maintain the building or dwelling in accordance with the ICC Property Maintenance code, as adopted by Rockdale County.

(Ord. No. 2018-14, § 6, 11-13-2018)

Sec. 42-107. Removal from registry.

A vacant real property owner, or the agent of such owner, may apply to remove such vacant real property from the registry at such time as the real property no longer constitutes vacant real property. Application for removal from the registry shall be accompanied by corroborating documentation that the real property no longer constitutes vacant real property defined by the department of planning and development. Corroborating documentation need not, and shall not, include the names or other personal information of any tenant(s). The department of planning and development shall inspect the property to identify any violations which must be addressed prior to removal from the registry. The department of planning and development will grant or deny such application within 60 days and in the case of denial shall provide notice to the property owner. If the department of planning and development does not grant or deny the application for removal from the registry within 60 days, the application shall be deemed granted.

(Ord. No. 2018-14, § 7, 11-13-2018)

Sec. 42-108. Administrative procedures/appeals.

(a) Appeals may be taken by any person aggrieved by any determination of an administrative official, by filing with the director of planning and development a notice of appeal specifying the grounds thereof and all documentation in support thereof, within 30 days after the determination appealed from was taken.

(b) An appeal stays all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the director of planning and development, after notice of appeal shall have been filed with him or her, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the director or a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(c) The director of planning and development shall review the appeal and any documentation submitted in support of opposition to the appeal and shall rule on the appeal within 30 days of appeal. An appeal shall be sustained upon an expressed finding by the director that the administrative official's action was based on an erroneous finding of a material fact, or that he or she acted in an arbitrary manner. In exercising his or her powers, the director may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may order the registration, or not, or removal, or not, from the registry provided all requirements imposed by the applicable laws other than these are met.

(d) Any person aggrieved by a decision of the director of planning and development may appeal from such decision to the Rockdale County Magistrate Court, subject to applicable jurisdictional requirements, by filing with the clerk of said court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after decision of the director is rendered.

(Ord. No. 2018-14, § 8, 11-13-2018)

#### DIVISION 3. UNFIT BUILDINGS OR STRUCTURE; HEALTH HAZARDS ON PRIVATE PROPERTY

Sec. 42-109. Definitions.

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

*Closing* means securing and causing a dwelling, building, or structure to be vacated.

*Drug crime* means an act which is a violation of O.C.G.A. § 16-13-20 et seq., known as the "Georgia Controlled Substances Act."

*Dwellings, buildings* or *structures* means any building or structure, or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be used for same, and including any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

*Owner* means any person or persons having any individual, joint, or common title or interest in real property defined by the laws of the State of Georgia as a legal or equitable estate or interest.

*Parties in interest* means:

(1) Persons in possession of property and premises;

(2) Persons having a record of any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated, or upon which the public health hazard or general nuisance exists based upon a 50-year title examination conducted in accordance with the title standards of the State Bar of Georgia;

(3) Persons having paid an occupational tax to the governing authority for a location or office at the subject building or structure; or

(4) Persons having filed a property tax return with the governing authority as to the subject property, building, or structure.

*Public authority* means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the county or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings or structures in the county or municipality.

*Public officer* means the director of the department of planning and development or his/her designee and shall be the officer authorized to exercise the powers described in this division or by any agent of such officer.

*Repair* means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes of the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building or structure.

(Ord. No. 2019-24, § 1, 12-10-2019)

Sec. 42-110. Service of complaint.

(a) Whenever a request is filed with the public officer by a public authority or by at least five residents of the unincorporated area of the county charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial or business use and is not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property.

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

(a) The complaint shall identify the subject real property by appropriate street address and official tax map reference;

(b) Identify the owner and parties in interest;

(c) State with particularity the factual basis for the action; and

(d) Contain a statement of the action sought by the public officer to abate the alleged nuisance.

(e) The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. § 41-2-5, at a date and time certain, and at a place within the country where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of such complaint in the proper court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

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

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

(2) If the repair, alteration, or improvement of such dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

(3) For purposes of this section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a state appraiser classification as provided in O.C.G.A. § 43-39A-1 et seq., qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

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

'This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes, or has been ordered secured to prevent its use in connection with drug crimes, or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.'

(d) The duties of the public officer set forth in subsections (b) and (c) of this section shall not be exercised until the board of commissioners shall have, by ordinance, ordered the public officer to proceed to effectuate the purpose of this division with respect to the particular property or properties which the public officer shall have found to be unfit for human habitation or unfit for its commercial, industrial, or business use.

(Ord. No. 2019-24, § 1, 12-10-2019)

Sec. 42-111. Recoupment of costs.

The recoupment of costs for vacating and closing or removal or demolition by the public officer shall be effectuated by the provisions of O.C.G.A. § 41-2-9.

(Ord. No. 2019-24, § 1, 12-10-2019)

Sec. 42-112. Determination by public officer that dwelling, building, or structure is unfit, vacant, or dilapidated.

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that the conditions existing in such building, dwelling, or structure are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, building or structure or of the occupants of the neighboring dwellings, buildings, or structure or of other residents of the county. Such conditions may include the following (without limiting the generality of the foregoing):

(1) Defect therein increasing the hazard of fire, accidents or other calamities,

(2) Lack of adequate ventilation, light of sanitary facilities,

(3) Dilapidation,

(4) Disrepair,

(5) Structural defects, and/or;

(6) Uncleanliness.

(Ord. No. 2019-24, § 1, 12-10-2019)

Sec. 42-113. Power of public officer in regard to unfit buildings or structures.

The public officer may exercise such powers as necessary or are convenient to carry out and effectuate the purpose of the provisions contained in this divisions, including the following:

(1) To investigate the dwelling conditions in the unincorporated area of the county in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for the commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes.

(2) To administer oaths and affirmations, to examine witnesses and to receive evidence.

(3) To enter upon the premises for the purpose of making examinations; however, such entries shall be made in such a manner as to cause the least possible inconvenience to the person in possession.

(4) To appoint and fix the duties of such officers, agents, and employees as he/she deems necessary to carry out the purposes of this division.

(5) To delegate any of his functions under this division to such officers and agents as he/she may designate.

(Ord. No. 2019-24, § 1, 12-10-2019)

Sec. 42-114. Service of complaints or other orders upon parties in interest and owners of unfit buildings or structures.

Complaints or orders issued by the public officer pursuant to this division shall be, in all cases, served in accordance with the provisions of O.C.G.A. § 41-2-12(a)—(h).

(Ord. No. 2019-24, § 1, 12-10-2019)

Sec. 42-115. Injunctions against order to repair.

Any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order pursuant to the provisions of O.C.G.A. § 41-2-13 and the time requirements provided therein.

(Ord. No. 2019-24, § 1, 12-10-2019)

Secs. 42-116—42-120. Reserved.

### ARTICLE IV. SMOKE-FREE AIR[[24]](#footnote-24)

Sec. 42-121. Title.

This article shall be known, cited and referred to as the Rockdale County Smoke-free Air Ordinance.

(Ord. No. 2004-25, § 43-1, 10-1-2004)

Sec. 42-122. Findings and purpose.

(a) The board of commissioners does hereby find that:

(1) Certain studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy non-smokers, including heart disease, stroke, respiratory disease, and lung cancer.

(2) Certain studies have also found that secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.

(b) Accordingly, the board of commissioners finds and declares that the purposes of this article are to:

(1) Protect the public health and welfare by prohibiting smoking in public places and private places of employment; and

(2) Provide to non-smokers the opportunity to breathe 100 percent smoke-free air in all public places and private places of employment; and

(3) Recognize that the need to breathe 100 percent smoke-free air shall have priority over the desire to smoke.

(Ord. No. 2004-25, § 43-2, 10-1-2004)

Sec. 42-123. Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

*Attached bar* means a bar area of a restaurant or anywhere in an enclosed area of a restaurant where malt beverages or beer, vinous liquors or wine, and distilled spirits are sold, purchased, served, and/or consumed.

*Beverage* means any drinkable liquid including but not limited to malt beverages or beer, vinous liquors or wine, and distilled spirits.

*Board* means the present governing body of Rockdale County, Georgia or any successor to the legislative powers of the present county board of commissioners.

*Business* means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making or non-profit purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

*County* means the County of Rockdale, a political subdivision of the State of Georgia.

*Employee* means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

*Employer* means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

*Enclosed area* means all space between a floor and ceiling that is enclosed on at least three sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

*Health care facility* means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

*Outdoor seating area* means any patio, courtyard, sidewalk cafe, backyard or other outdoor area of a restaurant or business where food and/or beverages are served and/or consumed.

*Partially enclosed* means an outdoor seating area where the circulation of outdoor air is obstructed by a temporary or permanent wall, tarp, shield, blind, or other kind of covering, exclusive of a temporary or permanent roof, ceiling, overhang, or overhead structure and the perimeter of the adjoining enclosed Restaurant or Business.

*Place of employment* means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and snack bars, lobbies and reception areas, and shared company vehicles when occupied by more than one person. A private residence is not a place of employment unless it is used as a childcare, adult day care, or health care facility.

*Public* means of transportation means buses, vans, taxicabs, commuter vans, paratransit vehicles, limousines and all vehicles for hire.

*Public place* means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, automobile dealerships, banks and other financial institutions, billiard halls, bowling facilities, childcare facilities, churches or other places of worship, educational facilities, elevators, bingo games available to the general public, hallways, recreational and health care facilities, laundromats, lobbies, public transportation facilities, reception areas, repair shops, restrooms, government-owned or leased facilities, restaurants and attached bars, retail food production and marketing establishments, retail service establishments, retail stores, service lines, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

*Restaurant* means an enclosed area, which is primarily devoted to the serving of or offering of food and/or beverages for sale to the public, guests, or employees and which contains an area for onsite consumption. The term "restaurant" shall include any dining area located within a health care, educational, or childcare facility. Food courts within enclosed shopping malls shall be treated as restaurants under this section.

*Rockdale County Board of Health* means the county board of health established in accordance with O.C.G.A. § 31-3-1 and its duly authorized agents.

*Service line* means a line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money and regardless of whether the service line is indoors or outdoors.

*Shared company vehicle* means any vehicle used expressly for business purposes that is not assigned to any one employee for use.

*Shopping mall* means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

*Significant tobacco retailer* means any Business that either devotes 75 percent or more of floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

*Smoking* means inhaling, exhaling, burning, or carrying any lighted bidi, cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

*Sports arena* means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events. This term includes the seating area, concession areas, and walkways of an outdoor sports arena.

*Tobacco paraphernalia* means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products.

*Tobacco products* means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

(Ord. No. 2004-25, § 43-3, 10-1-2004)

Sec. 42-124. Prohibited smoking.

Except as otherwise provided in this article, smoking is prohibited in all public places and places of employment within the unincorporated areas of Rockdale County, Georgia.

(Ord. No. 2004-25, § 43-4, 10-1-2004)

Sec. 42-125. Prohibition of smoking applicable to county property.

All enclosed areas and enclosed facilities, including buildings and vehicles owned, leased, or operated by the county shall be subject to the provisions of this article.

(Ord. No. 2004-25, § 43-5, 10-1-2004)

Sec. 42-126. Prohibition of smoking applicable to places of employment.

(a) Smoking shall be prohibited in all enclosed areas within places of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, shared company vehicles when occupied by more than one person, and all other enclosed facilities.

(b) This prohibition on smoking shall be communicated to all existing employees by the effective date of this article and to all prospective employees upon their application for employment.

(Ord. No. 2004-25, § 43-6, 10-1-2004)

Sec. 42-127. Prohibition of smoking applicable to public means of transportation.

Smoking shall be prohibited in public means of transportation when occupied by passengers or customers.

(Ord. No. 2004-25, § 43-7, 10-1-2004)

Sec. 42-128. Distance from public places and places of employment.

Smoking is prohibited within a distance of 15 feet from all entrances to a public place or place of employment, during the hours of operation or during the hours the public place or place of employment is open to the public. Smoking is also prohibited within 15 feet of any open window or other opening into a public place or place of employment where smoking is prohibited.

(Ord. No. 2004-25, § 43-8, 10-1-2004)

Sec. 42-129. Exceptions.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of sections 42-124 and 42-126 of this article:

(1) Private residences, except when used as a licensed childcare, adult day care, or health care facility.

(2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than 20 percent of rooms rented to guests in a hotel or motel may be designated as smoking rooms.

(3) Significant tobacco retailers, provided, however, that smoke from the significant tobacco retailer does not infiltrate areas where smoking is prohibited under the provisions of this article.

(4) Outdoor seating areas. Smoking may be allowed in a contiguous outdoor seating area, as defined in section 42-123, provided that such area:

a. Directly adjoins an enclosed restaurant or business as defined in section 42-123; and

b. Is not enclosed or partially enclosed as defined in section 42-123; and

c. Is not located within 15 feet of any entrance or open window into the restaurant or business as required in section 42-128.

(5) All restaurants to which access is denied to any person under the age of 18 and that do not employ any person under the age of 18. Restaurants shall post conspicuously at every entrance a sign stating the following language:

"No person under the age of 18 allowed.

This is a smoking-permitted establishment."

(6) Private personal offices in private places of employment open to the general public by appointment only, except that smoking shall be prohibited in any public reception area of such private place of employment.

(Ord. No. 2004-25, § 43-9, 10-1-2004; Ord. No. 2004-25(Amd.), § 1, 6-28-2005)

Sec. 42-130. Declaration of establishment as nonsmoking.

Notwithstanding any other provision of this article, an owner, operator, manager, or other person in control of a public place or place of employment may declare that entire public place or place of employment including non-enclosed areas of the property as a non-smoking property.

(Ord. No. 2004-25, § 43-10, 10-1-2004)

Sec. 42-131. Employers' responsibility.

(a) All employers shall remove from any area where smoking is prohibited by this article, all ashtrays and other smoking paraphernalia.

(b) All employers shall provide a smoke-free workplace for all employees of public places, and places of employment but employers are not required to make expenditures or structural changes to create a smoke-free work area.

(c) Each employer having an enclosed place of employment located within the unincorporated areas of Rockdale County is encouraged to adopt, implement, make known and maintain a written smoking policy that incorporates the smoking prohibitions of this article.

(Ord. No. 2004-25, § 43-11, 10-1-2004)

Sec. 42-132. Posting of signs.

(a) "No Smoking" signs with letters not less than one inch in height or signs with the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) not less than three inches in diameter shall be clearly and conspicuously posted at all entrances of every Public place and place of employment where smoking is prohibited by this article by the owner, operator, manager, or other person in control of said public place or place of employment.

(b) A minimum of four "No Smoking" signs with letters not less than one inch in height or a minimum of four signs with the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) not less than three inches in diameter, shall be clearly and conspicuously posted inside the building of every public place and place of employment where smoking is prohibited by this article, by the owner, operator, manager, or other person in control of said public place or place of employment.

(c) A minimum of one of the no smoking signs as described in section 42-131(b), shall be posted clearly and conspicuously in the area the attached bar is located.

(Ord. No. 2004-25, § 43-12, 10-1-2004)

Sec. 42-133. Non-retaliation.

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any right to a smoke-free environment as afforded by this article.

(Ord. No. 2004-25, § 43-13, 10-1-2004)

Sec. 42-134. Enforcement.

(a) This article shall be enforced by the board of health or its authorized designee.

(b) Any certified deputy employed by the sheriff's office, within their jurisdiction, may issue a citation for any violation of this article.

(Ord. No. 2004-25, § 43-14, 10-1-2004)

Sec. 42-135. Notification.

(a) Notice of the provisions of this article shall be given to all applicants for a business license in Rockdale County.

(b) Any citizen who desires to register a complaint under this article may file their complaint with the board of health.

(c) The health department, fire department, or their designees may, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this article.

(d) An owner, manager, operator, or employee of a public place or place of employment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.

(e) An owner, manager, operator, or person in control of a public place or place of employment subject to this article must refuse to serve or seat any person who smokes where smoking is prohibited, and must ask the person to leave the building or area if the person continues to smoke after being informed pursuant to the provisions of this section.

(f) Notwithstanding any other provision of this article, an employee or private citizen may bring legal action to enforce this article.

(g) In addition to the remedies provided by the provisions of this section, the board of health or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

(Ord. No. 2004-25, § 43-15, 10-1-2004)

Sec. 42-136. Violations and penalties.

(a) Any person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of an ordinance violation, and shall upon conviction be subject to section 1-11, General Penalty, of the Rockdale County Code of Ordinances and shall be subject to the following penalties:

(1) A minimum fine of $100.00 for a first violation.

(2) A minimum fine of $200.00 for a second violation within one year.

(3) A minimum fine of $500.00 for each additional violation within one year.

(b) Any person, firm, corporation, business or other legal entity who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this article shall be guilty of an ordinance violation, and shall upon conviction be subject to section 1-11, General Penalty, of the Rockdale County Code of Ordinances and shall be subject to the following penalties:

(1) A minimum fine of $100.00 for a first violation.

(2) A minimum fine of $200.00 for a second violation within one year.

(3) A minimum fine of $500.00 for each additional violation within one year.

(c) In addition to the fines established by this section, violation of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license for the premises on which the violation occurred.

(d) With respect to a violation that is continuous in nature, each day the violation occurs shall constitute a separate offense for that business and each person violating the smoking prohibition may also be cited as a separate offense.

(Ord. No. 2004-25, § 43-16, 10-1-2004)

Sec. 42-137. Other applicable laws and disclaimer.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. By regulating smoking the county is assuming an undertaking only to advance the public health, safety and welfare of its citizens. By this enactment, the county, its officers, or its employees, are not liable in money damages to any person who claims that any breach of this article caused injury.

(Ord. No. 2004-25, § 43-17, 10-1-2004)

Sec. 42-138. Severability.

Each section and each provision or requirement of any section of this article shall be deemed severable and the invalidity of any portion of this article shall not affect the validity or enforceability of any other portion.

(Ord. No. 2004-25, § 43-18, 10-1-2004)

## Chapter 46 FIRE PREVENTION AND PROTECTION[[25]](#footnote-25)

Sec. 46-1. Fire prevention code.

(a) The rules and regulations for fire prevention as recommended by the Southern Building Code Congress and known as the Standard Fire Prevention Code (SBCCI), as adopted pursuant to the provisions of O.C.G.A. § 8-2-25, is hereby adopted in its entirety as the fire prevention code of the county, a copy being made a part of this section and being on file with the county clerk, and that code is hereby adopted and incorporated as fully as if set out at length herein, the provisions of such code being effective and controlling within the unincorporated areas of the county.

(b) Any provision in this Code which is in conflict with the fire prevention code shall be controlling over the fire prevention code.

(c) Deletions and additions to, or adoption of the latest addition or supplement to the fire prevention code may be adopted by a resolution of the board of commissioners, and thereby incorporated herein; provided that copies of any changes in the standard text shall be made available in the department of public services and engineering for review by the public.

(d) As to the code referenced and adopted in this section, such code shall be amended for enforcement in this county by the substitution of the board of commissioners for performance of the function of any board of adjustment or appeals under the code.

(e) When reference is made to the duties of certain officials named in the code referenced and adopted in this section, the designated official of the county who has duties corresponding to those of the named official in the code shall be deemed to be the responsible official insofar as enforcing the provisions of the code.

(Code 1978, § 2-2001)

Sec. 46-2. Definitions.

As used in the fire prevention code, the following words and terms shall have the meanings respectively ascribed:

*Board of appeals and adjustments* means the county board of commissioners.

*Fire authority* means the county board of commissioners.

*Fire official* means the fire chief.

*Fire prevention bureau* means the fire department of the county.

(Code 1978, § 2-2002; Ord. No. 2009-05, § 8, 3-10-2009; Ord. No. O-2024-13, § 12, 9-10-2024)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 46-3. Life safety code.

The Life Safety Code NFPA 101 (2000) Edition is hereby adopted as a general ordinance of the county. Each of the sections of that code are ordained, enacted and adopted as fully as though set out in full in this section. The Life Safety Code NFPA 101 (2000) Edition is hereby incorporated by reference into this section; and a copy thereof shall be maintained in the office of the board of commissioners, assistant director of the department of emergency services over the fire department, and department of public services and engineering.

(Code 1978, § 2-2014; Ord. No. 2009-05, § 8, 3-10-2009)

Sec. 46-4. Rules and regulations authorized for fire department.

Under the direction of the board of commissioners, the fire chief shall maintain written rules and regulations for the operation of the fire department as are necessary but these rules and regulations shall become effective only upon adoption by the board of commissioners.

(Code 1978, § 2-2003; Ord. No. 2009-05, § 8, 3-10-2009; Ord. No. O-2024-13, § 13, 9-10-2024)

Sec. 46-5. Authority at fires.

(a) The fire chief shall have full control over all fire apparatus of the fire department in service at any fire. It shall be the duty of the fire chief or his/her designee to superintend the fire department while performing any public duty in fighting fire and to give general and specific directions as to the manner of fighting fires, the use of hose and apparatus, and the specific duties and assignments of the various members of the fire department in attendance at a fire. The fire chief may immediately suspend any member of the fire department for insubordination at any fire.

(b) The fire chief or his/her designee shall, in all cases of fire and fire alarms, have full control and occupy sufficient ground or space necessary for the operation of all fire companies at any fires, and for the protection of life and property, and shall be protected in the discharge of their duties by the law officers of the county.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the county law officers in directing traffic in the immediate vicinity.

(Code 1978, § 2-2004; Ord. No. 2009-05, § 8, 3-10-2009; Ord. No. O-2024-13, § 14, 9-10-2024)

Sec. 46-6. Records of fires.

The fire chief or his/her designee shall keep a permanent record of the cause, origin and circumstances of every fire and the damages resulting therefrom immediately after the occurrence of any fire.

(Code 1978, § 2-2005; Ord. No. 2009-05, § 8, 3-10-2009; Ord. No. O-2024-13, § 15, 9-10-2024)

Sec. 46-7. Obstruction of or tampering with fire hydrants and apparatus prohibited.

(a) No person shall place ashes, cinders, dirt, rubbish, building material or any other material around or in close proximity to any fire hydrant so as to cause hindrance or delay in access thereto, or prevent the free use thereof by the fire department. No person shall, in any way, interfere with or tamper with any fire hydrant or attempt to take water therefrom without special authority from the assistant director of the department of emergency services over the fire department or his designee.

(b) Without the consent of the assistant director of the department of emergency services, no person not an active member of the fire department shall at any time ride upon any of the fire apparatus of the fire department, nor shall any person make use of any fire apparatus, hose, or other equipment of the fire department, other than for the purpose for which the equipment was intended, without the consent of the assistant director of the department of emergency services over the fire department.

(Code 1978, § 2-2006; Ord. No. 2009-05, § 8, 3-10-2009)

Sec. 46-8. Certain acts interfering with firefighting activities.

No person, except an active member of the fire department, shall at any time enter within the territory or vicinity of any fire, when the area is roped off or access is denied by county law or fire officers, or interfere with or attempt to operate any of the apparatus or equipment of the fire department or any fire hydrant, or interfere by giving orders to any individual, unless requested to do so by the assistant director of the department of emergency services over the fire department or fire officers under his direction; however, a county commissioner, any police officer or other law enforcement officer, the owner or occupant of the property, and any other persons as may be specifically authorized by the assistant director of the department of emergency services over the fire department or his designee, may enter the restricted areas.

(Code 1978, § 2-2007; Ord. No. 2009-05, § 8, 3-10-2009)

Sec. 46-9. Obstruction of fire officers prohibited.

No person shall, in any way, obstruct or prevent the assistant director of the department of emergency services over the fire department or fire marshal in the discharge of his duties, by denying or attempting to deny access to any premises owned or occupied by the person, or by failing or refusing to furnish correct information requested by the assistant director of the department of emergency services over the fire department or fire marshal in the investigation into the cause, origin or circumstances of any fire.

(Code 1978, § 2-2008; Ord. No. 2009-05, § 8, 3-10-2009)

Sec. 46-10. Fire drills.

The assistant director of the department of emergency services over the fire department or his authorized representative shall have the authority to conduct fire drills in all public buildings located within the county. Public buildings shall include but not be limited to all buildings owned by the county, county school district or the county board of education, all libraries, recreation facilities, and any privately owned structure if the owners or occupants thereof request this service of the assistant director of the department of emergency services over the fire department. The principal of any school shall be notified before any drill is held.

(Code 1978, § 2-2009; Ord. No. 2009-05, § 8, 3-10-2009)

Sec. 46-11. Fire limits.

The fire limits for the county are established as follows:

Beginning at the Peachstone Shoals on South River; running thence up said river to the north of Camp Creek; thence running up said creek to Flat Shoal Road in Henry County; running thence along said road to the land line between Robert M. Clark and John Calaway; thence along the present county line between the counties of DeKalb and Henry to the point of South River where the county line between DeKalb and Newton counties strikes said river; thence along the county line between the counties of DeKalb and Newton to the point where the lines between the counties of DeKalb, Gwinnett, Newton and Walton intersect; thence along the county line between the counties of Newton and Walton to Little Haynes Creek; thence down Little Haynes Creek to its mouth; running thence down Big Haynes Creek to its mouth; running thence on a direct line to Peachstone Shoals on South River, the starting point. As amended by 1876 Ga. Laws, the land and residence of H.C. Penn, in the county of Rockdale, is included. These limits are less and except the legal limits of the City of Conyers as presently existing or hereinafter as by law provided.

(Code 1978, § 2-2011)

Sec. 46-12. Clearing property of debris and refuse where building has burned.

(a) Where a building has burned, the premises must be cleared of all debris within 90 days thereafter.

(b) If the remains of such building constitute a safety hazard, any official or citizen of this county may at any time file a complaint with the building inspector to have the condition declared to be a nuisance and for the abatement thereof.

(c) The provisions of this section are and shall be construed to be cumulative of all other provisions of this Code regarding the condition of property within this county, and shall not be construed to alter, amend or repeal any other provisions.

(Code 1978, § 2-2012)

Sec. 46-13. Fire calls outside county limits.

The fire department shall answer all calls upon authorization of the fire chief outside the county limits whether or not property owners carry an insurance rider.

(Code 1978, § 2-2013)

State law reference(s)—Assistance to other agencies, O.C.G.A. §§ 25-3-3, 25-3-5.

Sec. 46-14. Parking in fire lane prohibited.

No person shall, at any time, park, stand, or stop any motor vehicle or place any other property in a fire lane, so designated by signs and/or painted curbing or other markings indicating a fire lane; however, this section shall not apply to the parking of an authorized emergency vehicle.

(Ord. No. 2011-08, § 1, 5-10-2011)

Secs. 46-15—46-17. Reserved.

Sec. 46-18. County not liable for enforcement pertaining to maintenance and clearing of fire lanes.

(a) The county assumes no liability for any damages, injuries or deaths resulting from enforcement, or lack of enforcement, of the laws pertaining to maintenance and clearing of the fire lanes. The county has the authority to issue individual citations for fire lane violations, but the property owner has the ultimate responsibility to clear the fire lanes.

(b) Any vehicle obstructing a fire lane in violation of this section may be removed at the direction of the chief of the department of fire and rescue or his designee, or a law enforcement officer, and the costs of removal and storage shall be borne by the owner of such vehicle and paid for [by] him or her prior to the release of such vehicle.

(Ord. No. 2011-08, § 2, 5-10-2011)

Sec. 46-19. Enforcement.

The provisions of this article shall be enforceable by the chief of the department of fire and rescue or his designee, or any law enforcement officers authorized to enforce the ordinances of the county.

(Ord. No. 2011-08, § 3, 5-10-2011)

Sec. 46-20. Penalty.

The following minimal penalties shall apply to any person who violates the provisions of section 46-14:

(1) Upon conviction, a fine of not less than $100.00 shall be imposed.

Or

Any person who violates the provisions of section 46-14 shall be upon conviction thereof punished as provided in section 1-11 of the Code of Rockdale County, Georgia.

(Ord. No. 2011-08, § 4, 5-10-2011)

## Chapter 50 HEALTH AND SANITATION[[26]](#footnote-26)

### ARTICLE I. IN GENERAL

Secs. 50-1—50-30. Reserved.

### ARTICLE II. ON-SITE SEWAGE COLLECTION AND DISPOSAL

Sec. 50-31. Definitions.

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

*Flush toilet* means the common sanitary flush commode in general use for the disposal of human excrement.

*Health officer* means the chairperson of the county board of health or any of his duly appointed deputies.

*Industrial waste* means any liquid waste of whatever nature arising out of any manufacturing, fabricating, processing, treating, renovating, or any other industrial or commercial operation.

*Premises* means building, house, store or any other place where people live, work, or congregate.

*Septic tank* means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

(1) A sewer line constructed with solid pipe, with the joints sealed, connecting such impervious tank with a plumbing stubout; and

(2) A subsurface system of trenches, piping, and other materials constructed to drain the clarified discharge from such tank and distribute it underground to be absorbed or filtered.

*Subdivision* means any tract of land divided, planned, or developed as a subdevelopment with two or more residences, buildings, or building sites.

*Toilet* means flush toilet.

(Code 1978, § 5-4001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 50-32. Toilets.

Each and every premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.

(Code 1978, § 5-4002)

Sec. 50-33. Disposal of human excrement.

No person shall dispose of human excrement except in a toilet.

(Code 1978, § 5-4003)

Sec. 50-34. Disposal of other wastes.

(a) All sinks, dish washing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer; provided that where no sewer is available, septic tanks or other private subsurface disposal facilities, approved by the health officer, may be used.

(b) Industrial wastes shall be discharged into the public sewer; provided that where no sewer is available, septic tanks or other private subsurface disposal facilities, approved by the health officer, may be used.

(c) All subsurface disposal facilities, provided for in this article, shall be constructed, repaired, altered, enlarged, and maintained in accordance with plans and specifications approved by the health officer. All these facilities shall be maintained in sanitary working order.

(d) No person shall construct, repair, alter, or enlarge any subsurface disposal facilities, provided for in this article, who does not possess an unrevoked permit for work issued by the health officer. The health officer may withhold the issuance of a permit pending the inspection and approval, by the health officer, of the site and location of the proposed work. Before any facilities or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the health officer.

(e) No subsurface disposal facilities shall be installed in any place where the health officer deems the use of the facilities to be a menace to human health or well-being.

(Code 1978, § 5-4004)

Sec. 50-35. Flush toilets.

(a) Every flush toilet shall be connected to a public sewer or to a septic tank.

(b) Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

(Code 1978, § 5-4005)

Sec. 50-36. Pit privies.

No pit privies or other such subsurface systems shall be installed.

(Code 1978, § 5-4006)

Sec. 50-37. Septic tanks.

(a) Septic tanks shall be constructed, repaired, altered, enlarged, and maintained in accordance with plans and specifications approved by the sanitary officer of the county. Septic tanks shall be maintained in sanitary working order.

(b) No person shall construct, repair, alter, or enlarge any septic tanks who does not hold an unrevoked permit for that work issued by the health officer. The health officer may withhold the issuance of a permit pending the inspection and approval, by the health officer, of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the health officer.

(c) No septic tank shall be installed where a public sewer is accessible to the premises involved, nor in any place where the health officer deems the use of a septic tank to be a menace to human health or well-being.

(Code 1978, § 5-4007)

Sec. 50-38. Connection to sewers.

Any premises that has a septic tank, privy, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner, shall be immediately connected to a public sewer, where a sewer is available. The use of any faulty systems shall be immediately discontinued after the sewer connection has been made. The pits of pit privies, no longer used for the disposal of human excrement, shall be filled with earth so as to completely prevent the ingress or egress of insects and rodents to and from such pits.

(Code 1978, § 5-4008)

Sec. 50-39. Subdivisions.

Where private systems, for the disposal of sewage and other liquid wastes, are proposed in any proposed subdivision, before any person shall develop any such subdivision and before the sale of any land therein or the erection of any building thereon, the owner shall file plats, plans, and specifications, as the health officer may deem necessary, with the health officer and receive written approval of the plats, plans, and specifications by the health officer.

(Code 1978, § 5-4009)

Secs. 50-40—50-70. Reserved.

### ARTICLE III. ON-SITE SEWAGE MANAGEMENT SYSTEMS

Sec. 50-71. Applicability.

This article will have application in all except the following cases:

(1) Any facility or system under the jurisdiction of and regulated by the state department of natural resources or its successor;

(2) Any public or community sewage treatment system;

(3) Other shared jurisdiction by memoranda of agreement or other agreements.

(Ord. No. 0-2002-01, § 1(9-6001), 1-8-2002)

State law reference(s)—Notice of denial of individual sewage disposal permits, O.C.G.A. § 12-8-1; powers of department of community health, O.C.G.A. §§ 31-2-1, 31-2-4.

Sec. 50-72. Definitions.

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

*Absorption field* means a configuration of absorption trenches installed in a portion of land and used for the absorption and final treatment of sewage.

*Absorption line* means a pipeline of perforated pipe or open-point drainpipe laid in an absorption trench to serve as a conduit for sewage effluent.

*Absorption trench* means an excavation in which an absorption line is laid.

*Absorption trench bottom and side soil area* means the total interface of bottom and side soil area with undisturbed soils of all absorption trenches in an absorption field and occurring horizontally and downward from the point of distribution into the soil, expressed in square feet.

*Aggregate* means washed gravel or washed stone meeting the state department of transportation standards for hardness or other materials approved by the department that shall be 1½ inches to two inches in diameter.

*Alternative on-site sewage management system* means any approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank system or privy.

*Approved* and *approval* mean compliance with applicable specifications or criteria developed or accepted by the state department of human resources.

*Auxiliary system* means a system to serve a portion of a residence, a pool house or other adjunct facility.

*Bedroom* means any room that is designed primarily for sleeping purposes, as shown on the building plan.

*Blackwater* means wastewater generated by water closets, urinals, bidets, kitchen sinks and garbage disposals.

*Building drain* means that part of the lowest piping of a building drainage system inside the walls of a building, which receives the discharge from soil, waste or other drainage systems and conveys the discharge to the building sewer.

*Building sewer* means that part of the horizontal piping of a building drainage system beyond the building drain which receives the discharge from the building drain and conveys it to a public sewer, private sewer, on-site sewage management system or other disposal.

*Central on-site sewage management system* means an on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation.

*Chamber septic tank system* means a septic tank and a chamber system as defined as chamber system.

*Chamber system* means a system of chambers with each chamber being a molded polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall soil areas. Chambers may be of different sizes and configurations to obtain desired surface areas.

*Community subsurface treatment system* means any system which treats primarily domestic wastewater other than those serving single-family residences or nondomestic sewage systems.

*Conventional septic tank system* means any septic tank and conventional system as defined as conventional system, but does not include alternative or experimental systems.

*Conventional system* means a traditionally used system that is composed of perforated pipe surrounded by gravel or stone masking for the infiltration of effluent into adjoining bottom and side soil areas.

*County board of health* means the county board of health established by O.C.G.A. § 31-3-1 et seq., or its designee.

*Department* means the state department of human resources or its designee.

*Distribution device* means a watertight structure which receives sewage effluent from a septic tank, dosing tank or other sewage retention device and distributes it in equal portions to two or more absorption lines.

*Dosing tank* means an approved watertight tank, located after a septic tank or other sewage retention device, to receive and retain sewage effluent, and so equipped as to discharge sewage effluent intermittently to a distribution device, either by pump or by siphon.

*Experimental on-site sewage management system* means any on-site sewage management system proposed for testing and observation, and provisionally approved for such purposes by the department, but which has not been fully proven under field use.

*Failure* means an on-site sewage system in such a condition that it constitutes a public hazard by inadequate treatment and/or disposal of sewage.

*Filter* means an approved device that removes solids or other materials from the effluent that could cause failure of an on-site sewage management system.

*Floodplain* means a generally flat plain or depression susceptible to being flooded from any source, including small and intermittent water courses and coastal areas subject to intermittent tidal action.

*Graywater* means wastewater generated by water-using fixtures and appliances, excluding water closets, urinals, bidets, kitchen sinks and garbage disposals.

*Grease trap* means a device in which the grease content of sewage is intercepted and congealed, and from which grease may be skimmed or otherwise removed for proper disposal.

*Individual water supply system* means a system of piping, pumps, tanks or other facilities, utilizing groundwater to supply a single-family dwelling.

*Lot* means a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or for development, or both, and shall not include any part of the right-of-way of a street or road.

*Manual for On-Site Sewage Management Systems* means the technical handbook currently adopted and periodically updated which is used by the department in the implementation of this article and is available for inspection at the appropriate state office in Atlanta or at local health departments. The Manual for On-Site Sewage Management Systems and its provisions are herein adopted unless inconsistent with other provisions of law or regulation and is hereafter referred to as the "Manual" or "Manual for On-Site Sewage Management Systems".

*Manufactured home park* means a parcel of land developed for subsequent rental or lease for placement of two or more manufactured homes.

*On-site sewage management system* means a sewage management system other than a public or community sewage treatment system serving one or more buildings, manufactured homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. The term "on-site sewage management system" shall include, without limitation, conventional and chamber septic tank systems, privies, and experimental and alternative on-site management systems which are designed to be physically incapable of a surface discharge of effluent that may be approved by the department.

*Percolation coefficient* means the ratio of trench bottom area to percolation time; it is expressed as the allowable rate of sewage application in gallons per square foot per day.

*Percolation rate* means the time, expressed in minutes per inch, required for water to seep into saturated soil at a constant rate.

*Percolation test* means the method used to measure the percolation rate of water into soil as described in the department's current Manual for On-Site Sewage Management Systems.

*Person* means any individual, partnership, corporation, or association and may extend and be applied to bodies, both political and corporate.

*Physical development* means development, which includes, but is not limited to site preparation, erection of a structure, road construction, well construction or installation of on-site sewage management systems.

*Privy* means a structure (and necessary appurtenances) used for the sanitary disposal or storage of human wastes without the aid of water carriage; the term "privy" does not include chemical, composting, portable or incinerator toilets.

*Public water supply system* means a system for the provision of piped water to the public for human consumption, if such system has at least 15 service connections, or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year.

*Septage* means a waste that is a fluid mixture of partially treated or untreated sewage solids, liquids and sludge of human or domestic waste, present in or pumped from septic tanks, malfunctioning on-site sewage management systems, grease traps or privies.

*Septic tank* means an approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

*Sewage* means and includes human excreta, all water-carried wastes, and liquid household waste from residences or commercial and industrial establishments.

*Sewage treatment system* means a system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system. The system shall be designed to be physically incapable of a surface discharge of effluent.

*Sinkhole* means a depression in the land surface, generally in a limestone region, which communicates or has the potential to communicate with a subterranean passage developed by solution; typical sinkholes can be broad, closed basin-like features or steep-sided dropouts, or variants thereof.

*Site* means the location where the absorption field will be installed to include replacement area.

*Soil classifier* means a person who holds at least a Bachelor of Science degree from an accredited college or university with a major in Agronomy, Soil Science, or related field, as approved by the soil classifiers certification advisory committee. A soil classifier must have completed a minimum of 15 semester hours or 25 quarter hours in approved soil science courses including a course in pedology and have four years or more of full-time experience as a soil classifier/soil scientist actively mapping, identifying and classifying soil features, and interpreting the influence of soil features on soil uses. Certification shall be in accordance with guidelines published in the Manual for On-Site Sewage Management Systems. Any person who holds a valid certificate of registration as a geologist issued pursuant to O.C.G.A. § 43-19-1 et seq., or who holds a valid certificate of registration as an engineer issued pursuant to O.C.G.A. § 43-15-1 et seq. and is practicing within his area of engineering competency may register with the department as a soil classifier.

*Subdivision* means any division of a tract or parcel of land into five or more lots, building sites, manufactured home sites, or other divisions, resulting in any single lot of less than three acres, for the purpose, whether immediate or future, of sale or legacy, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided, however, that the following are not included within this definition:

(1) The combination or recombination of previously platted lots or portions thereof where the total number of lots is not increased and the resultant lots conform to the standards of this article.

(2) The division of land into parcels, all of which are three acres or more in size with minimum width of 150 feet for a distance sufficient to provide an adequate area for the placement of structures and improvements including wells and approved installation of approved on-site sewage management systems.

*Well* means an excavation or opening into the ground by which groundwater is sought or obtained.

(Ord. No. 0-2002-01, § 1(9-6002), 1-8-2002)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Notice of denial of individual sewage disposal permits, O.C.G.A. § 12-8-1; authority of department of community health, O.C.G.A. § 31-2-1 et seq.

Sec. 50-73. General provisions.

(a) *On-site sewage management system required.* Where public or community sewage treatment systems are not available, the owner, lessee or agent thereof of every building, residence or property, designed, used or intended to be used for human occupancy or congregation, shall provide an approved on-site sewage management system sufficient for persons normally expected to use or frequent the building, residence or other property for two hours or more. Connection shall be made to a public or community sewage treatment system when such system is available within 200 feet of the property line, or available in a public right-of-way abutting the property. Where a public or community sewage treatment system is to be constructed, or an existing public or community sewer is to be extended to serve a lot, or an approved on-site sewage management system is to be used, the building sewer shall be installed so that it will ensure gravity flow at a self-cleaning velocity throughout. If an existing on-site sewage system fails, immediate connection shall be made to a public or community sewerage system if such a system is available. Any facility that produces a waste stream with biochemical oxygen demand and total suspended solids higher than 200 mg/l shall be required to pretreat the waste to reduce the biochemical oxygen demand and total suspended solids to 200 mg/l or below before disposal through a conventional or chamber septic tank system.

(b) *On-site sewage management system construction permit required.* No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof without having first applied for and obtained from the county health department a construction permit for the installation.

(1) Application for such a construction permit shall be made in writing on forms provided by the county board of health. The county board of health shall approve or disapprove such application within 20 days after the receipt of a completed application. The application shall include:

a. Name and address of the owner and the applicant, if other than the owner;

b. Location of property;

c. Plans and specifications including location and design of the proposed on-site sewage management system including surface and subsurface drainage and piping;

d. Nature of the facility to be served;

e. Location of all water supplies, geothermal systems, or other utilities and trash pits on or off the lot, which will bear upon the location of the on-site sewage management system;

f. Number of bedrooms in the dwelling, or the number of persons to be served in other types of establishments, or other sewage flow or water usage data;

g. Soil characteristics, including soil types and capabilities, frequency and evaluations of seasonal high groundwater tables, occurrence of rock and other impervious strata;

h. Signature of the owner or agent applying for permit; and

i. Any additional information deemed necessary to determine the suitability of the site.

(2) The county board of health may waive submission of part of the information required for the application, provided the county board of health deems that such information is available from previously submitted subdivision or manufactured home park data, or from other sources. The information must be sufficient to make an adequate appraisal of the acceptability of the proposed lot for the installation of an on-site sewage management system.

(3) Repairs, replacement, or additions to existing systems must be permitted and inspected.

(4) Any person preparing to modify a lot for the purpose of obtaining a construction permit for the installation of an on-site sewage management system shall submit plans showing the type and extent of modifications. No modifications shall be carried out prior to the approval of the plans by the county board of health. Such approval shall be in accordance with the provisions of the department's current Manual for On-Site Sewage Management Systems.

(c) *Requirements for on-site sewage management system construction permit issuance or denial.* On-site sewage management system construction permits shall be issued only after a site inspection by the county board of health shows favorable findings relative to absorption rates, soil characteristics, groundwater, rock and any other factors which would affect the acceptability of the lot. No construction permit for an on-site sewage management system shall be issued prior to the approval of the public water supply system, where a public water supply system is to be utilized. Lot suitability and approval is to be determined by the criteria established by the department's current Manual for On-Site Sewage Management Systems. Lots shall be sized according to the regulations of the county board of health. The county board of health may deny or revoke an on-site sewage management system construction permit upon finding the lot unsuitable or for failure of the applicant to comply with the provisions of these rules. Such denial shall be made in accordance with the provisions of O.C.G.A. §§ 12-8-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5 and 31-5-6. On-site sewage management construction permits shall remain valid for not more than 12 months from the date of issue.

(1) Issuance of a construction permit for an on-site sewage management system, and subsequent approval of such permit by representatives of the county board of health shall not be construed as a guarantee that such systems will function satisfactorily for a given period of time; furthermore, such representatives do not, by any action taken in affecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by the malfunction of such system.

(2) On tracts or parcels of land of three acres or more, the conventional or chamber septic tank system may be utilized where the percolation rate does not exceed 120 minutes per inch. All other conditions must comply with the requirements of the regulations for on-site sewage management systems.

(d) *Inspections.* No person may backfill or use an on-site sewage management system until final inspection has been made by the county board of health to determine compliance with the provisions of the construction permit issued under Section 290-5-26-.03(3) of the rules of the state department of human resources and written approval has been issued by the county board of health.

(1) A copy of the final inspection of an on-site sewage management system shall be provided to the owner, builder, developer or agent, whichever is appropriate.

(2) Grading, filling, digging trash pits or other landscaping or construction activities on the lot subsequent to final inspection by the county board of health which may adversely affect the on-site sewage management system shall render the approval void. Removal or alteration of system components after final inspection by the county board of health shall render the approval void.

(e) *Design limits for conventional or chamber septic tank systems.* To provide for the maintenance of sanitary conditions through the proper functioning of a conventional or chamber septic tank system for a reasonable period of time, no such system may be installed, constructed, or used, having a septic tank design capacity of less than 1,000 gallons or greater than 10,000 gallons, or where the total length of absorption trenches required would exceed 3,000 linear feet, or where the total absorption trench bottom area required would exceed 9,000 square feet.

(f) *Submission of plans, specifications, and soil data.* Plans, specifications, soil data and, if required, absorption test data, submitted to the county board of health for the purpose of obtaining a construction permit to install an on-site sewage management system, which will produce a sewage flow in excess of 2,000 gallons per day, shall bear the registration number and signature of a registered professional engineer, certified and registered under the laws of this state. The county board of health may accept plans, specifications, soil data, and absorption test data for facilities with sewage flow of 2,000 gallons or less per day, when prepared in accordance with these rules, from any person who demonstrates to the satisfaction of the county board of health that they have sufficient knowledge of on-site sewage management system design.

(g) *Soil data acceptability for individual lots.* Soil evaluations shall be conducted by individuals meeting the requirements established in the department's current Manual for On-Site Sewage Management Systems.

(Ord. No. 0-2002-01, § 1(9-6003), 1-8-2002)

Sec. 50-74. Sewers.

(a) *Size of sewers.* Sewers connecting component parts of on-site sewage management systems shall be of sufficient size to serve anticipated flow conditions.

(b) *Sewers.* All solid pipe and, fittings used in an on-site sewage management system, beginning at the house, shall be NSF International schedule 40 PVC or equivalent and shall be a minimum of four inches in diameter. Sewers under driveways or similar areas of load or impact shall be of material capable of withstanding anticipated loads or installed so as to provide protection from crushing.

(c) *Construction.* Sewers, other than perforated pipe or drain tiles used in absorption fields, shall be laid with sealed, watertight, root-resistant joints. Such sewers shall be laid on a firm foundation, shall not be subject to settling, and shall be installed on a grade that will ensure a self-cleaning velocity. Where on-site sewage management systems are used, and where installation of building drains and building sewers is not covered by duly adopted local plumbing codes, or in the absence of a local plumbing code and/or plumbing inspections, the county board of health may verify the adequacy and acceptability of all or any portion of the building sewer or the building drain.

(Ord. No. 0-2002-01, § 1(9-6004), 1-8-2002)

Sec. 50-75. Septic tanks.

(a) *Minimum design and construction.* Septic tanks shall provide a minimum of 24 hours of retention and shall be designed and constructed to equal or exceed minimum design and construction criteria established by the department as published in the current Manual for On-Site Sewage Management Systems. After the effective date of the ordinance from which this article is derived, any person seeking approval of septic tanks to be used in on-site sewage management systems, shall submit detailed plans and specifications for tank manufacture and other information as may be required by the department. Manufacturers and suppliers may be subject to periodic inspection, and approval by the county board of health or the department. Both the inlet and outlet tees shall be ASTM 3034 rated or equivalent. In addition, an approved filter shall be installed on the outlet end of the septic tank in compliance with the Manual for On-Site Sewage Management Systems.

(b) *Location.* No septic tank shall be installed less than 50 feet from existing or proposed wells/springs, sink holes, or suction water lines, and tanks shall be located downgrade from wells or springs if physically possible; less than 25 feet from lakes, ponds, streams, water courses, and other impoundments; less than ten feet from pressure water supply lines, or less than ten feet from a property line. No septic tank shall be installed less than 15 feet from a drainage ditch or embankment. Septic tanks shall be installed so as to provide ready access for necessary maintenance. Normally, the distance a septic tank shall be located from a building foundation is at least ten feet but, lesser distances may be allowed by the county board of health. The county board of health, after site inspection, may require greater separation distances than cited herein due to unusual conditions of topography, or other site configuration; subsurface soil characteristics and/or groundwater interference.

(c) *Capacity.* The liquid capacity of septic tanks for single-family dwellings shall be 1,000 gallons for one, two, three or four bedrooms, and 250 additional gallons for each bedroom over four. Septic tank capacity shall be increased by 50 percent where garbage grinders are to be used. Auxiliary systems serving single-family residences or other facilities shall be based on the maximum daily flow.

(d) *Compartmented tanks.* Two-compartment tanks shall be required. The first compartment shall be at least two-thirds the liquid capacity of the tank.

(e) *Tanks in series.* The county board of health may approve the installation of two septic tanks placed in series provided that the capacity of the first tank is at least 1,000 gallons and at least equal to the capacity of the second tank. When tanks in series are used, they shall be connected with a sealed sewer line, and all sewage shall initially enter the first tank.

(f) *Foundation and backfill.* Septic tanks will be constructed or installed level, on a foundation that will prevent settling; backfill shall be placed so that a stable fill results and undue strain on the tank is avoided. Earth backfill shall be free of voids, large stones, stumps, broken masonry, or other such materials. A minimum earth cover of six inches over the tank is recommended. With proper documentation the county board of health may approve less over. All openings and manholes shall be constructed so as to prevent the entrance of surface water.

(Ord. No. 0-2002-01, § 1(9-6005), 1-8-2002)

Sec. 50-76. Distribution devices and dosing tanks.

(a) *Minimum design and construction of distribution devices.* Distribution devices shall be designed and constructed in accordance with minimum design and construction criteria established in the department's current Manual for On-Site Sewage Management Systems.

(b) *Minimum design and construction of dosing tanks.* Where required, dosing tanks shall be designed, constructed, and installed in accordance with the department's current Manual for On-Site Sewage Management Systems.

(Ord. No. 0-2002-01, § 1(9-6006), 1-8-2002)

Sec. 50-77. Absorption fields.

(a) *Absorption area.* The absorption area shall be based upon the anticipated volume of treated sewage and upon the characteristics of the soil in which absorption fields are to be located as specified in the department's current Manual for On-Site Sewage Management Systems. Soil characteristics and other related data, including percolation tests, may be required by the county board of health. Absorption areas shall be classified as follows: aggregate, nonaggregate and other.

(b) *Prior approved systems.* Any prior approved system as defined in O.C.G.A. § 31-2-7(a)(4) is approved for installation according to the manufacturers recommendation.

(c) *Location.* No absorption field will be constructed less than 100 feet from existing or proposed wells, springs or sinkholes; less than ten feet from water supply lines and buildings with basements and less than five feet from buildings without basements, other structures, drives and property lines; less than 15 feet from an embankment, drainage ditch or trash pits; not less than 50 feet from the normal water level of any impoundment, tributary, stream, or other body of water, including ponded areas of wetlands. If the water supply line crosses or comes within ten feet of the absorption field, the water supply line shall be installed at least 12 inches above the top of the aggregate layer of the absorption line, nonaggregate absorption line or other absorption line, and shall be encased in a single length of larger diameter water pipe. No absorption field shall be installed in areas where groundwater, soil characteristics or adverse geological formation may interfere with the absorption or effective treatment of sewage effluent.

(d) *Minimum design and construction for absorption fields.* Absorption lines and absorption trenches shall be designed and installed in accordance with the minimum design and installation criteria established in the department's current Manual for On-Site Sewage Management Systems.

(Ord. No. 0-2002-01, § 1(9-6007), 1-8-2002)

Sec. 50-78. Privies; minimum design and construction.

Privies shall be designed and constructed in accordance with minimum design and construction criteria established by the department's current Manual for On-Site Sewage Management Systems.

(Ord. No. 0-2002-01, § 1(9-6008), 1-8-2002)

Sec. 50-79. Alternative on-site sewage management systems.

(a) *Term defined.* The term "alternative on-site sewage management system" means the same as defined in section 50-72.

(b) *Design and construction.* Alternative on-site sewage management systems shall be designed and constructed in accordance with the minimum design and construction criteria established by the department's current Manual for On-Site Sewage Management Systems. The department shall maintain a list of approved alternative on-site sewage management systems.

(Ord. No. 0-2002-01, § 1(9-6009), 1-8-2002)

Sec. 50-80. Experimental on-site sewage management systems.

The term *experimental on-site sewage management system* means any on-site sewage management system proposed for testing and observation, and provisionally accepted for such purposes by the department's technical review committee. Any limitations to the use of experimental systems shall be decided by the department's technical review committee.

(Ord. No. 0-2002-01, § 1(9-6010), 1-8-2002)

Sec. 50-81. Septage removal and disposal.

(a) *Permit required.* No person shall engage in the removal or disposal of the contents of septic tanks, pit privies, or other on-site sewage management or experimental systems without having first applied for and obtained from either the department or the county board of health a septage removal permit, renewed annually, for such activities. The application for such septage removal permit shall be submitted in writing on forms provided by the department or the county board of health at least ten days prior to engaging in such activities. The application shall include but not be limited to: the business name and address, name and address of the applicant, the manner by which such contents are to be removed, transported and given final disposal, and such other documentation as may be required by the county board of health, including evidence that septage removed and transported will be accepted at approved disposal sites.

(b) *Suspension and revocation.* The septage removal permit shall be subject to suspension and revocation for failure to comply with the requirements of this article or the department's current Manual for On-Site Sewage Management Systems.

(c) *Pumping and disposal methods.* Approved methods of pumping and disposal of septage from on-site sewage management systems shall be: discharge to a public or community sewage treatment system for treatment in treatment plant, treatment at separate septage handling facilities, or direct land application. Pumping and disposal shall be in accordance with the requirements of the department's current Manual for On-Site Sewage Management Systems.

(d) *Vehicle identification.* The name and address of the person or firm engaging in the removal of septage from on-site sewage management systems and the permit number shall be lettered on both sides of each vehicle used for septage removal purposes. Letters and numerals shall not be less than two inches in height and shall be readily visible.

(e) *Vehicle maintenance.* Every vehicle used for removal of septage from on-site sewage management systems shall be equipped with a watertight tank or body and properly maintained. Liquid wastes shall not be transported in open bodied vehicles. All pumps, hose lines, valves and fittings shall be maintained to prevent leakage.

(Ord. No. 0-2002-01, § 1(9-6011), 1-8-2002)

Sec. 50-82. Grease traps.

(a) *Grease traps required.* Grease traps shall be required for commercial or industrial establishments with on-site sewage management systems where it is determined by the county board of health that the amount of grease introduced into the system is in excess of 50 mg/l.

(b) *Grease trap design.* Plans and specifications for grease traps shall be submitted to the county board of health for approval. The county board of health shall review the grease trap design in accordance with minimum design and construction criteria established by the department's current Manual for On-Site Sewage Management Systems. Effluent from grease traps shall be disposed of in a septic tank and not directly discharged to the absorption field. Grease traps shall be located, installed and constructed so that the temperature of the sewage will be reduced to permit congealing or separation of grease, and easy access for cleaning is provided.

(Ord. No. 0-2002-01, § 1(9-6012), 1-8-2002)

Sec. 50-83. Sewage flow.

The design sewage flow of an on-site sewage management system shall be determined from the department's current Manual for On-Site Sewage Management Systems. The daily sewage flow may be determined by the department after due consideration of data submitted by the owner or his agent on design criteria. Calculations will be made on the basis of peak flow and not on longterm averages.

(Ord. No. 0-2002-01, § 1(9-6013), 1-8-2002)

Sec. 50-84. Subdivision and manufactured home parks.

(a) *Predevelopment review.* It is recommended that developers considering subdivision or manufactured home park development, where public or community sewage treatment systems will not be available, seek a predevelopment review by the county board of health prior to developmental improvements. A predevelopment report which indicates disapproval or tentative approval may be obtained by submitting a boundary plat including:

(1) A vicinity map;

(2) A topographic map;

(3) A preliminary soil study conducted in compliance with the department's current Manual for On-Site Sewage Management Systems.

(b) *Proposals and plans required.* The following information is required for subdivision and manufactured home park proposals:

(1) A boundary plat drawn to a reasonable scale which includes:

a. A vicinity map;

b. Proposed lots and streets including lot identification, dimensions, building lines and square footage of lots;

c. A topographic map depicted in two-foot contour intervals. Lesser contour intervals may be approved by the county board of health if the slope is sufficiently steep;

d. A soil map and soil descriptions based on a high intensity soil study conducted in compliance with the department's current Manual for On-Site Sewage Management Systems;

e. The location of all present and proposed wells, water systems, watercourses, floodplains, sewage systems, structures, rights-of-way, utilities, stormwater drainage systems and easements on the property and within 100 feet outside the perimeter of the property; and

f. The name, registration number and seal of the professional surveyor or engineer that prepared the development plan.

(2) A completed subdivision analysis record on forms provided by the department.

(3) A copy of the following documents issued by the environmental protection division of the department of natural resources:

a. The land disturbance activity permit issued by either the environmental protection division or the local issuing authority. For the purposes of this section, the term "issuing authority" means the governing authority of any county or municipality, which is certified pursuant to O.C.G.A. § 12-7-8(a) by the director of the environmental protection division;

b. A letter of approval to begin construction of a public water supply system and approving the source of the water supply where a public water supply system is to be utilized; and

c. For a development, which will result in the disturbance of more than five acres, a copy of the notice of intent submitted to the environmental protection division to be covered under NPDES Permit GAR100000 for the discharge of stormwater associated with construction activity.

(c) *Approval required.* No person may sell, offer for sale, lease, rent, begin construction or otherwise begin the physical development of a lot or lots in a subdivision or manufactured home park until written approval of plans for water supply and sewage disposal has been obtained from the county board of health. This approval constitutes general acceptance of all lots, except those lots excluded, for development with on-site sewage management systems. Excluded lots may receive further consideration based on additional information.

(d) *Limits on use of on-site sewage management systems for subdivision and manufactured home parks.* Approval of subdivisions and manufactured home parks utilizing on-site sewage management systems shall not be granted:

(1) When a public or community sewage system is available within 1,500 feet of the subdivision or manufactured home park;

(2) When soil maps, descriptions, and reports compiled by a registered soil classifier indicate that soil conditions prohibit safe development of on-site sewage management systems.

(3) Prior to receipt of a letter from the environmental protection division approving the plans to construct the public water supply system and approving the source of the water supply where a public water supply system is to be utilized.

(e) *Construction permits.* Construction permits for on-site sewage management systems shall be issued in accordance with section 50-73(b)(1).

(Ord. No. 0-2002-01, § 1(9-6014), 1-8-2002)

Sec. 50-85. Subdivision, manufactured home park water and sewage.

(a) *Subdivision and manufactured home park water supply.* Connection to a public water supply system shall be required if available within 1,500 feet of the proposed subdivision or manufactured home park.

(b) *Subdivision and manufactured home park percolation tests.* Where required for planning purposes and determination of the general absorptive capacity of soils, the number of percolation tests to be made shall be one per lot, in the area where absorption fields are to be located. Before construction of on-site sewage management systems, individual lots within the proposed development shall comply with section 50-84.

(c) *Subdivision and manufactured home park test bores.* Where required for planning purposes, test bores to determine groundwater elevations and subsurface rock formations shall be made at locations, in numbers and at depths to be determined by the department or county board of health.

(Ord. No. 0-2002-01, § 1(9-6015), 1-8-2002)

Sec. 50-86. Technical review committee.

(a) *Appointment; duties.* The department shall appoint and maintain a technical review committee consisting of a maximum of 15 individuals with technical or scientific knowledge relating to on-site sewage management systems. The duties of the committee will be to approve new systems, periodically review systems performance, assist the department with the development of standards and guidelines for new technology, assist with the periodic updating of the Manual for On-Site Sewage Management Systems, revisions to standards and serve as the authority for product approval, evaluation, and the development of installation standards. The technical review committee shall also maintain a list of approved systems.

(b) *Membership.* The technical review committee shall include at least one individual from the following disciplines:

(1) An environmental health section staff person who shall serve as the secretary;

(2) Local county environmentalist;

(3) Health district environmentalist;

(4) Engineering;

(5) Manufacturing;

(6) Home builders association;

(7) Soil classifier;

(8) University/academia;

(9) District health director;

(10) Environmental protection division;

(11) Well driller;

(12) Georgia On-Site Wastewater Association;

(13) Land developer;

(14) Septic tank contractor.

(c) *Meetings.* The technical review committee shall meet as deemed appropriate by the department.

(d) *Fee.* The department shall adopt a fee schedule for the technical review of new products and technology.

(Ord. No. 0-2002-01, § 1(9-6016), 1-8-2002)

Sec. 50-87. Certification and decertification of septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel.

(a) *Certification required.* Individuals performing services related to site approval, the design, location, installation, inspection and maintenance of an on-site sewage management system, must be certified by the department.

(1) Guidelines defining certification qualifications for septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel shall be established by the department and shall be published in the Manual for On-Site Sewage Management Systems. The guidelines shall be based on education, experience, testing and performance.

(2) The department shall write a protocol for decertification of persons certified under the provisions of this section.

(3) Certification shall be required every two years and shall be based on meeting continuing education requirements.

(b) *Fee.* The department shall adopt a fee schedule for the certification and recertification of the persons listed in this section.

(Ord. No. 0-2002-01, § 1(9-6017), 1-8-2002)

Sec. 50-88. Maintenance and operation.

(a) *Prohibited discharge.* No person shall allow the unapproved discharge or spillage of sewage, nor shall an on-site sewage management system be used or maintained in such a manner that will allow the seepage or discharge of effluent from such system to the ground surface, to a water-course, drainage ditch, open trench, canal, storm drain or storm sewer, water well, abandoned well, lake, stream, river, estuary, groundwater, or other body of water.

(b) *Maintenance.* The property owner shall be responsible for properly operating and maintaining the on-site sewage management system to increase the life expectancy and prevent failure. Maintenance of the system shall be in accordance with the criteria established in the department's current Manual for On-Site Sewage Management Systems. Where an on-site sewage management system is proposed to serve facilities under separate ownership, a contract to ensure proper operation and maintenance of the system signed by all owners, shall exist as a precondition to the issuance of a permit for the construction of an on-site sewage management system.

(c) *Additives.* No strong bases, acids or organic solvents shall be used in the operation of an on-site sewage management system.

(d) *Existing system evaluations.* If a performance evaluation of an existing system is conducted, the evaluation shall be performed in accordance with the procedure established in the department's current Manual for On-Site Sewage Management Systems.

(e) *Variances.* The county board of health may grant variances in the cases of hardship where existing systems are malfunctioning.

(Ord. No. 0-2002-01, § 1(9-6018), 1-8-2002)

Sec. 50-89. Enforcement.

The administration and enforcement of this article shall be in accordance with the provisions of O.C.G.A. § 31-5-1 et seq. through the county environmental health department.

(Ord. No. 0-2002-01, § 1(9-6019), 1-8-2002)

## Chapter 54 HUMAN RELATIONS[[27]](#footnote-27)

### ARTICLE I. IN GENERAL

Secs. 54-1—54-30. Reserved.

### ARTICLE II. FAIR HOUSING

Sec. 54-31. Policy.

It is the policy of the county that no person shall be discriminated against in the sale or rental of housing on the basis of race, color, religion, familial status, sex, age, national origin, disability or handicap.

(Code 1978, § 7-4001)

Sec. 54-32. Definitions.

The definitions used in section 86-31 shall likewise apply to this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Disability* means, with respect to a person:

(1) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) A record of having such an impairment; or

(3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

*Discriminatory housing practice* means any act which is prohibited under this article.

*Dwelling* means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

*Familial status* means, with respect to a person:

(1) That the person is a parent of or has legal custody of one or more individuals who have not attained the age of 18 years and such individuals are being domiciled with such parent or legal custodian;

(2) That the person is the designee of a parent or other person having legal custody, with the written permission of the parent or other person, and that one or more individuals who have not attained the age of 18 years are being domiciled with such person; or

(3) That the person is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

*Family* includes a single individual.

*Person* means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or fiduciaries.

*To rent* means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(Code 1978, §§ 7-1001, 7-4002)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar provisions, O.C.G.A. § 8-3-201.

Sec. 54-33. Unlawful practices in selling or renting dwellings; exceptions.

(a) Except as exempted by subsection (b) or (d) of this section or section 54-37, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, disability, familial status, or national origin;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, disability, familial status, or national origin;

(3) To make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, sex, disability, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, familial status, or national origin or with a disability;

(6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

a. That buyer or renter;

b. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

c. Any person associated with that buyer or renter; or

(7) a. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

1. That person;

2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or

3. Any person associated with that person.

b. For purposes of this subsection, discrimination includes:

1. A refusal to permit, at the expense of the person with disabilities, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

i. The public use and common use portions of such dwellings are readily accessible to and usable by persons with disabilities;

ii. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and

iii. All premises within such dwellings contain the following features of adaptive design: (i) an accessible route into and through the dwelling; (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (iii) reinforcements in bathroom walls to allow later installation of grab bars; and (iv) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

c. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usableness for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (a)(7)b.3.iii of this section.

d. In regard to persons with disabilities, discrimination includes, in connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct dwellings in such a manner that the dwellings have at least one building entrance on an accessible route, unless it is impracticable to do so because of the terrain or unusual characteristics of the site.

(b) (1) Nothing in this section, other than subsection (a)(3) of this section, shall apply to:

a. Any single-family dwelling sold or rented by an owner, if:

1. Such private individual owner does not own more than three such single-family dwellings at any one time;

2. Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family dwellings at any one time;

3. Such dwelling is sold or rented:

i. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person; and

ii. Without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection (c) of this section; but nothing in this subsection (b)(1)a.3.ii shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(2) In the case of the sale of any such single-family dwelling by a private individual owner not residing in such dwelling at the time of such sale or who was not the most recent resident of such dwelling prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period.

(c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(d) Nothing contained in this section shall require that a dwelling be made available for rental or lease to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Code 1978, §§ 7-4003, 7-4004)

State law reference(s)—Similar provisions, O.C.G.A. § 8-3-202.

Sec. 54-34. Discrimination in residential real estate related transactions; appraisals.

(a) As used in this section, the term "residential real estate related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

b. Secured by residential real estate; or

(2) The selling, brokering, or appraising of residential real property.

(b) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, handicap, familial status, or national origin.

(c) Nothing in this article shall be construed to prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(Code 1978, § 7-4005)

State law reference(s)—Similar provisions, O.C.G.A. § 8-3-204.

Sec. 54-35. Unlawful denial of or discrimination in membership or participation in service or organization relating to selling or renting dwellings.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against such person in the terms or conditions of such access, membership, or participation on account of race, color, religion, sex, disability, familial status, or national origin.

(Code 1978, § 7-4006)

State law reference(s)—Similar provisions, O.C.G.A. § 8-3-203.

Sec. 54-36. Coercion, intimidation, threats, or interference.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of such person's having exercised or enjoyed, or on account of such person's having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article.

State law reference(s)—Similar provisions, O.C.G.A. § 8-3-222.

Sec. 54-37. Permissible limitations in sale, rental, or occupancy of dwellings by religious organizations or private clubs; housing for older persons.

(a) Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons unless membership in such religion is restricted on account of race, color, sex, handicap, familial status, or national origin. Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b) (1) As used in this subsection, the term "housing for older persons" means housing:

a. Provided under any state or federal program that the administrator determines is specifically designed and operated to assist elderly persons as defined in the state or federal program;

b. Intended for, and solely occupied by, persons 62 years of age or older; or

c. Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the administrator shall develop regulations which require at least the following factors:

1. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

2. That at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

3. The publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(2) Nothing in this article limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. The provisions in this article regarding familial status shall not apply with respect to housing for older persons.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

a. Persons residing in such housing as of March 12, 1989, who do not meet the age requirements of subsection (b)(1)b or c of this section; provided, however, that new occupants of such housing meet the age requirements of subsection (b)(1)b or c of this section; or

b. Unoccupied units; provided, however, that such units are reserved for occupancy by persons who meet the age requirements of subsection (b)(1)b or c of this section.

(4) Nothing in this article prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance.

State law reference(s)—Similar provisions, O.C.G.A. § 8-3-205.

Sec. 54-38. Administration.

It shall be the responsibility of the county board of commissioners to enforce and administer this article. The board of commissioners may delegate any of the functions of the board in the administration of this article. The board of commissioners shall investigate any complaints arising under this article and shall present their findings to the complaining party within 30 days of the written complaint being filed with the board of commissioners.

(Code 1978, § 7-4007)

## Chapter 58 DEPARTMENT OF HUMAN RESOURCES[[28]](#footnote-28)

Sec. 58-1. Rules and regulations; classification and pay plans.

(a) Unless otherwise provided by state law, all provisions on personnel rules and regulations for employees of any agency, board, commission, department or other branch of county government shall be contained in either this Code or in the "Rules and Regulations for Rockdale County" and the "Classification and Pay Plan for Rockdale County," which documents are fully incorporated herein by reference, copies of which are available to the public in the office of the director of human resources.

(b) The rules and regulations discussed in subsection (a) of this section shall include and establish:

(1) General provisions;

(2) Ethics and conduct;

(3) Classification plan;

(4) Pay plan;

(5) Recruitment and selection;

(6) Methods of appointment;

(7) Working test period;

(8) Separation;

(9) Disciplinary action;

(10) Grievances and appeals; and

(11) Attendance and leave.

(Code 1978, § 1-4001; Ord. No. O-2024-13, § 17, 9-10-2024; Ord. No. O-2025-02, § 3, 2-25-2025)

Sec. 58-2. Certain salaries to be individually budgeted.

(a) Except for elected officials of the county, all county employees' salaries of $10,000.00 or more per year shall be line-itemed in the county budget by department (or agency) and position. No person shall be employed by the county full-time and paid a salary at a rate of $10,000.00 or more per year unless the position in which that person serves has been line-itemed in the county budget by majority vote of the county board of commissioners as provided in this Code.

(b) No part-time or temporary employee of the county shall be employed by the county at a salary rate which, if full-time, would equal $10,000.00 or more per year without the express approval of that person's employment by the county board of commissioners in advance of such employment and the county budget is amended accordingly.

(Code 1978, § 3-1003)

## Chapter 62 NATURAL RESOURCES[[29]](#footnote-29)

### ARTICLE I. IN GENERAL

Secs. 62-1—62-30. Reserved.

### ARTICLE II. HAYNES RESERVOIR MANAGEMENT

Sec. 62-31. Preamble.

(a) The county recognizes that a safe and reliable source of water is absolutely essential for the continued growth of the county and to ensure that county water needs can be met in drought conditions. The county and the authority recognize that the area's population is growing and the need for water for business and industrial uses is expanding. The county also recognizes that available water resources are limited, that environmental concerns impose restrictions on water availability, and that the cost of developing safe and reliable water resources continues to escalate. The county recognizes that the providing of recreational opportunities including rowing, canoeing, fishing, birdwatching and other activities, inclusive of competitive events related to such activities, is critical to the area's public needs and quality of life, in light of growing concerns for the realization of public health through exercise and recreation.

(b) The county has determined that the most practical method of ensuring a safe and reliable source of water for the purposes set out in subsection (a) of this section is to construct a water impoundment project on the waters of Big Haynes Creek, within the confines of the county, which shall be known as the Big Haynes Creek Reservoir. The county recognizes the need to adopt rules, regulations and take such action as is necessary to protect the quality of water in the Big Haynes Creek Reservoir. Therefore, the county has devised this Big Haynes Creek Reservoir Management Plan and Rules and Regulations Concerning Public Use of Big Haynes Creek Reservoir. The purpose of this article and the associated rules and regulations is to set out the activities permitted in the adjacent areas as well as the activities prohibited in those areas.

(Code 1978, § 9-7001)

Sec. 62-32. Purpose and objectives.

The primary purposes of this article are to set out the parameters to preserve and protect the quality of water in Big Haynes Creek Reservoir and for the utilization by the public of the recreational opportunities allowed by this article. Additional purposes of this article are to furnish guidance and regulations for the management, protection, and preservation of the reservoir's shoreline and environment; to properly establish and maintain acceptable fish and wildlife habitat, aesthetic quality and natural environmental conditions; to provide for protection of the project; and to promote the safe and healthful use of the project and project lands. Big Haynes Creek Reservoir is intended to provide a reliable raw water supply to the surrounding geographic area. The paramount and overriding objective of this article is the protection of the quality of water in the reservoir. The secondary objective of this article is to provide the recreational opportunities subject to certain restrictions established to ensure that recreational opportunities will not adversely impact the water quality of the project.

(Code 1978, § 9-7002)

Sec. 62-33. Authority and jurisdiction.

This article and all restrictions imposed in this article shall be administered, exercised and enforced by the resource manager, his designated agent, code enforcement officers and deputy sheriff officers of the sheriff's department. Nothing contained in this article shall be considered a delegation of the county's power to enforce any of its ordinances or regulations within or upon the project. Agents and employees of the county are authorized to assist in the enforcement of this plan as set out in this article.

(Code 1978, § 9-7003)

Sec. 62-34. Permits and fees.

(a) As with any large multiuse facility, the demand for space on Big Haynes Creek Reservoir must be regulated to encourage proper utilization and promote public safety. It is the intent of this section to describe the activities that are allowed and what permits are applicable. All permit requests are subject to review and may be granted only if public law and regulatory guidance are met. Violations of permit conditions or unauthorized uses will result in corrective action that may include termination of permits, removal of private property, and/or other legal action. Big Haynes Creek Reservoir is a county-owned facility that will require permits to be issued by the reservoir manager for the following types of activity:

(1) Access to public recreation areas;

(2) Special event activities;

(3) Specified acts.

(b) The fees associated with these permits and the management and enforcement of these permits will be subject to the provisions of the official Rules and Regulations for Big Haynes Creek Reservoir as adopted by the county.

(1) *Access to public recreation areas.* Subject to the Rules and Regulations for Big Haynes Creek Reservoir, all visitors to the recreation areas shall obtain a one-day permit, multiday permit or annual permit from the reservoir manager. All rights and privileges available to the permittee shall be addressed in the rules and regulations and shall be posted for public information at each area. The reservoir manager shall operate the permitting program in accordance with the rules and regulations in order to provide for the public health, safety and welfare.

(2) *Special event activities.* A permit will be required for recreational use of reservoir recreation areas when more than 12 persons or vessels are involved in an activity. Generally, it is not the intent of this program to deny public use of the project. It is necessary to ensure that:

a. Environmental issues are addressed;

b. Regulatory guidance is reviewed;

c. Public safety is considered;

d. Space is available;

e. The rights of others are not affected; and

f. The activity can, in fact, be authorized in accordance with all laws and regulations.

Permits issued by the reservoir manager for special events do not relieve the permittee from obtaining similar local or state authorizations that may be required. Examples of events for which a special event activity permit may be required are: festivals, concerts, exhibitions and fishing tournaments.

(3) *Specified acts within the subzone W-RB.* Certain activities which are allowed within the W-RB subzone area will require issuance of a permit prior to engaging in the allowed activity. The allowed activities and those which require a permit are defined by section 62-37. A permit application will be provided by the department of water resources through the office of the director of water resources and will require submission of information detailing the requested activity inclusive of a completion schedule; location of the activity; the type of equipment to be utilized and a plan for restoration, if necessary, inclusive of revegetation and/or the application of mulch. The permit application shall be prepared and submitted by a state registered forester, professional engineer or landscape architect in accordance with best management practices for a natural or enhanced buffer. The permit application will be reviewed by the office of the director of water resources and shall be issued as applied for or denied by the director of the department of water resources or his designee. The permit shall be issued, comments provided by the director of the department of water resources or denied within 15 working days of submission by the applicant. If the permit is denied, the applicant may appeal the decision of the director of the department of water resources to the board of commissioners in writing within ten days of the date of denial. If the board of commissioners fails to act upon the appeal within 30 days, the permit shall stand approved. The department of water resources will be responsible for enforcement of the permit.

(Code 1978, § 9-7004; Ord. No. 0-1999-9, § 1, 4-13-1999; Ord. No. 0-1999-09, § 1, 8-22-2000)

Sec. 62-35. Boundary control.

The project will be surveyed and monumented during the land and easement acquisition phase. Boundaries of land owned in fee-simple by the county, subzone W-RW, shall follow the shoreline of the reservoir at the normal pool elevation of 735 feet mean sea level.

(Code 1978, § 9-7005)

Sec. 62-36. Management policies.

The reservoir manager shall ensure that the following policies, as adopted by the board of commissioners, are enforced:

(1) *Water quality management.*

a. The primary function of the reservoir is that of supplying a safe and reliable source of drinking water which requires that a comprehensive approach to water quality protection is assured. The reservoir manager shall be responsible for the management and control of water quality within the project in accordance with this article and the adopted Rules and Regulations for Big Haynes Creek Reservoir.

b. Water quality in the nonreservoir portion (W-NR) of the watershed will be assured by the provisions of this article and administration by the department of public services and engineering. Enforcement of this article in the W-NR area will be provided by code enforcement officers of the department of public services and engineering.

c. The assurance of water quality from the areas of the watershed outside the jurisdictional boundaries of the county will be the responsibility of the board of commissioners, the reservoir manager and the department of public services and engineering. All agreements with the other jurisdictions in the watershed must be self regulated.

d. However, the county will take the lead in a program of education, technical support and planning with each jurisdiction within the watershed to provide a team approach for water quality protection.

e. The county recognizes that one of the most relevant tasks is the establishment of a water quality monitoring program to identify any potential problem areas before they become major problems. A water quality monitoring program will be implemented prior to water impoundment. The program will be reviewed on an annual basis in terms of its adequacy.

f. Cleaning vessels with soaps and solvents on the shoreline pollutes the lake. This activity and the unauthorized use of insecticides, herbicides, pre-emergent and fertilizers are prohibited by regulation. Application of these chemicals and construction on adjacent private property may have strong potential to disperse pollutants into the lake. Instances of sedimentation and chemical pollution will be investigated.

g. Nuisance aquatic weeds may invade the project. The transport of such weeds is possible and low areas may eventually have seasonal problems unless the general public inspects and cleans their boats and trailers after visiting other waterways known to have aquatic weed pests. Of most concern are hydrilla and Eurasian watermilfoil.

(2) *Fisheries management.*

a. The fisheries management program is primarily implemented to enhance and maintain habitats to provide for a sustained recreational fishery. Habitat enhancement is accomplished by conducting various practices such as stabilizing spawning habitats and installation of fish attractors. Maintenance of productive fishery habitats is achieved in part by maintaining an active water quality program. Board of commissioners personnel shall cooperate with the state environmental protection division to resolve water quality problems. Also, the board cooperates with the county health department to correct septic tank pollution and with state engineering department and county department of public services and engineering to resolve soil erosion problems.

b. Cooperation with the wildlife resources division is absolutely necessary to manage fish resources. The board of commissioners is obligated to assist in several ways such as fish kill investigation, habitat enhancement, and, occasionally, field monitoring of fish populations. The reservoir manager may enter into cooperative fish attractor projects to provide increased recreational use of sport fishery.

c. The wildlife resources division will provide a consultant role to provide technical advice and guidance throughout the design, construction and maintenance of the project.

(3) *Wildlife management.*

a. Successful wildlife management at Big Haynes Creek Reservoir can better be achieved by integrating wildlife programs with effective forest management. The goal of wildlife management is aimed at developing, improvising, and maintaining vegetative communities that will serve diverse wildlife. This object is established since different wildlife associate with different plant types. Fulfillment of this goal will provide better opportunities to observe wildlife and to engage in other nonconsumptive uses such as photography and nature study. The maintenance of the reservoir buffer will provide a wildlife corridor around the reservoir. This will allow wildlife to move around the reservoir and provide access to the water's edge.

b. Wildlife population regulation, especially game species, is the responsibility of the state department of natural resources. The board of commissioners shall cooperate to support state efforts with population regulation in as far as providing habitat for the production of game species for off-site utilization and assisting with the control of pest species.

(4) *Endangered species management.* It is the intention of the board of commissioners to conserve threatened and endangered species occurring on the project and the ecosystems on which those species depend. No disturbance of threatened or endangered species on the project will be allowed.

(5) *Wetlands management.* The wetlands associated with Big Haynes Creek Reservoir provide a number of natural biological functions. Maintenance of these wetland areas is an important component of the reservoir management plan. All wetland habitats in the project will be preserved. To maintain wetlands, no alteration of wetlands within the project will be allowed.

(6) *Forest management.*

a. Forest resources of the project shall be managed to ensure and enhance water quality objectives, promote stormwater infiltration and sheet flow and prevent soil erosion.

b. Reservoir buffer area forest and vegetative management objectives are to sustain a healthy forest canopy, understory and herbaceous layer since the objective is to maintain the reservoir buffer area in a natural or near-natural state. Activities within the reservoir buffer will be subject to the issuance of appropriate use permits and/or land disturbance permits issued by the reservoir manager.

c. Public recreation area will be subject to forest management practices which will be appropriate for the level of recreational use of the specified area as trails, picnic areas, special bird watching areas, scenic views, the public boating recreational facility, bank fishing areas, etc.

(7) *Cultural, historical and archeological.* It is the further intent of the board of commissioners to protect historical sites and recover historical and archeological data. No specific use or alteration of the project will be allowed unless a cultural resources survey has been conducted. Should the survey identify sites of cultural significance, then no disturbance will be allowed unless mitigated with the approval of the state historical preservation officer.

(8) *Buffer management.* Forest and vegetative management of the reservoir buffer area (subzone W-RB) shall be practiced to sustain a healthy forest plant community consisting of a canopy, understory and herbaceous layer for the purpose of maintaining the area as a natural or enhanced vegetated area around the reservoir. Certain activities within the reservoir buffer area will be subject to the issuance of activity permits issued by the office of the director of the department of water resources. The buffer area will be managed to enhance water quality objectives, promote stormwater infiltration and prevent soil erosion. Land disturbance, subject to appropriate permitting from the department of public services and engineering, may be allowed if the disturbance is necessary to achieve water quality objectives including but not limited to the prevention of soil erosion, sheet erosion and/or channelization. In connection with the management of the reservoir buffer area (subzone W-RB) and the enforcement of this article, the department of water resources and all code enforcement officers shall consider and be guided by the following:

a. A goal in management of the W-RD is to produce a multistory plant community with a canopy layer, including but not limited to, pine, oak, hickory, maple, tulip poplar, beech, sycamore, an understory of developing canopy shade tolerant species and normal understory species, including but not limited to dogwood, American holly, sourwood, black gum, persimmon, and other Piedmont trees depending on the aspect and slope of hydrology.

b. The goal of minimum cover in the reservoir buffer area (W-RB) is a basal area of 60 square feet per acre. The number of trees desirable in a forested buffer area depends upon the distribution of tree size. A continuous or near-continuous canopy should be maintained as this ensures an intact forest floor. Planted trees should be of sufficient size to be protected from animal damage so that they achieve rapid growth and meet the overall objective of maintaining a healthy and vigorous forest.

c. If there are no trees within the vertical portion of a gap in the overstory of the buffer, the planting of new trees or a tree should be considered. If there is an opening in the canopy larger than 25 feet by 25 feet and there are no suitable understory trees in a position to fill the gap, two new trees should be planted. For purposes of this section only, a suitable understory tree shall be defined as any tree normally found in an overstory, such as poplar, oak, hickory, maple, birch, willow and pine, then standing more than five feet tall with a healthy crown.

d. Trees with high wildlife value should be considered for planting in forested areas.

e. Prolific sprouting and fast growing species, such as sweetgum, with relatively short lifespans compared to other species, which have limited wildlife value, and often crowd out more desirable species, should be discouraged.

f. A moderately dense canopy producing sufficient leaf litter to maintain an intact forest floor is sufficient to provide water quality benefits expected of a forested buffer area.

g. The removal of forest humus or mulch shall be permitted only when reasonably necessary for construction of vegetated swales or strips in an effort to prevent or remedy soil erosion.

h. Land disturbing activity to obtain scenic vistas or establish lawns shall not be allowed.

i. Man-induced changes to a forest, under certain conditions and circumstances, may enhance wildlife habitat and aesthetics by accelerating the natural evolution of a forest without harming water quality.

(Code 1978, § 9-7006; Ord. No. 0-1999-9, § 2, 4-13-1999; Ord. No. 0-1999-09, § 2, 8-22-2000)

Sec. 62-37. Activities.

Activities, as distinguished from land uses, are generally those planned, active, participatory functions that occur as a result of a particular use of the land.

(1) *Activities allowed.* Activities allowed, subject to permitting, are specified as follows:

|  |  |
| --- | --- |
| Subzone Area | Permitted Activities |
| W-NR | All activities normally associated with the permitted land uses shown in Table 1 which are clearly subordinate to the principal use |
| W-RW | — Boating, private individual use (nonmotorized and electric motor w/maximum 65 pounds thrust) |
|  | — Boating, public agency use (gas-powered motors) |
|  | — Fishing |
|  | — Governmental uses related to the operation, use and maintenance of the reservoir and facilities |
| W-RR | — Boating, private individual use (nonmotorized and electric motor w/maximum 65 pounds thrust) |
|  | — Boating, public agency use (gas-powered motors) |
|  | — Fishing |
|  | — Picnicking |
|  | — Hiking |
|  | — Governmental uses related to the operation, use and maintenance of the reservoir and facilities |
| W-RB | — Pedestrian (private) usage |
|  | — Pedestrian (public) usage limited to state/county-owned property |
|  | — Governmental uses related to the operation, use and maintenance of the reservoir and facilities |
|  | — Boat portage and launching |
|  | — Governmental uses related to the operation, use and maintenance of the reservoir and facilities |
|  | (a) Underbrushing of trees and shrubs up to three inches in diameter at ground height without any land disturbing activities as defined by O.C.G.A. § 12-7-3(10) with the exception of agricultural practices as defined by such state law as such activity shall be considered land disturbing activity for purposes of this ordinance. Revegetation, when undertaken, shall only be accomplished by the planting of indigenous species. Forest humus and/or ground mulch shall be maintained at a minimum depth equal to or greater than the depth of forest humus and/or ground mulch in existence at the time of underbrushing or at the time prior to the undertaking of any other activity allowed by this section. |
|  | (b) Dead or diseased trees and fallen limbs may be felled and/or removed. Removal of limbs up to a height of 20 feet above ground level to obtain scenic vistas shall be allowed with the following exception, no limbs shall be removed at a height greater than one-third the total height of the tree. Dead or diseased trees which pose a threat to human safety should be felled and delimbed. Felled pine trees with bark intact shall have the bark removed or the trees removed to alleviate the potential for beetle infestation of healthy trees. |
|  | (c) Boat portage and launching on private property by fee simple owner shall be allowed. Portage and launching shall be accomplished by hand without the use of a trailer or motorized vehicle. Boats launched from private property shall be registered with the department of recreation on an annual basis. |
|  | (d) Planting of indigenous species (natural vegetation) in a random or natural fashion shall be allowed. |
|  | (e) Governmental uses related to the operation, public use and maintenance of the reservoir and, in addition facilities and activities related to code enforcement. |
|  | (f) Limited application of herbicides approved by the office of the director of the department of water resources for use near the reservoir (W-RR) shall be allowed to control undesirable and/or poisonous species, underbrush, and excess trees. Undesirable species shall include, but not be limited to, kudzu, Chinese privet, Japanese honeysuckle, autumn olive and Chinese wisteria. Fee simple owner may remove resulting litter and forest debris from property. Stumps may be treated to prevent future sprouting. Fires or burning within the W-RB is specifically prohibited. Use of pesticides shall be limited to individual use. Application of pesticides beyond personal individual use is specifically prohibited. |
|  | (g) Pedestrian usage, fishing, picnicking, bird watching and related activities as may be permitted by the fee simple owner. Such activities shall be noncommercial. (Private or public owned property.) |
|  | (h) Erosion control methods such as planting of vegetation, including conversion of channelized natural drains to vegetated swales, construction of vegetated berms, replacing of mulch, and placing of water breaks may be allowed, subject to appropriate permitting from the department of public services and engineering, if necessary. (Permit required). |
|  | (i) Footpaths not more than four feet wide shall be allowed, and may be improved by boardwalks, pea gravel, natural stones, mulch or other similar natural surface spaced so as to allow penetration of rainfall into the ground and not increase runoff velocity. No more than one footpath will be allowed per lot, or for each 200 feet of reservoir shoreline of lots having more than 200 feet of shoreline. (Permit required) |
|  | (j) One deck, not exceeding 256 square feet in total area shall be allowed per lot. A deck shall be constructed only of pressure treated lumber or other materials as may be approved by the office of the director of the department of water resources. The application of paint or stain to the deck shall be subject to department of water resources approval. The deck shall have no walls or roof, however a trellis system may be allowed as well as handrails and protective bannisters. Underground water and electrical utilities to the deck shall be allowed subject to all applicable ordinances and building codes as permitted and inspected by the department of public services and engineering. Permits required by the department of public services and engineering shall be in addition to the permits required by this article. All plans for decks shall be submitted to the office of the director of the department of water resources with the permit application. (Permit required.) |
|  | (k) Land disturbance allowed for the limited purpose of establishing public use consistent with the W-RB. Land disturbance for this purpose shall be allowed. (Permit required.) |
| W-RP | — Governmental uses related to the operation, use and maintenance of the reservoir and facilities. |

(2) *Prohibited activities.* Any activity not expressly allowed by this article is hereby deemed to be prohibited. Gasoline service stations, solid waste landfills, or any other business or activity which generates hazardous or toxic waste is prohibited.

(Code 1978, § 9-7007; Ord. No. 0-1999-9, § 3, 4-13-1999; Ord. No. 0-1999-17, § 1, 8-24-1999; Ord. No. 0-1999-09, § 2, 8-22-2000)

Editor's note(s)—Table 1 is on file in the county offices.

Sec. 62-38. Rules and regulations.

The policies of the reservoir management plan in this article are to be implemented by the county in accordance with the Rules and Regulations for Big Haynes Creek Reservoir as adopted by the board of commissioners as referenced in section 62-31.

(Code 1978, § 9-7008)

Sec. 62-39. Administrative review.

Recommendations made by the board of commissioners' field personnel are subject to review by supervisory and managerial staff. Review may be requested of any decision made at the field level. If reviews made by supervisory and/or managerial personnel are not deemed adequate, then the complaint may be forwarded to the board's office for further review and response. The final administrative review process is exhausted at the board of commissioners level.

(Code 1978, § 9-7009)

Sec. 62-40. Amendments.

(a) The board of commissioners is charged with protecting and managing Big Haynes Creek Reservoir within its scope of authority while serving the needs of the general public. It is the intent of the management plan in this article to provide the most benefit to the public and to balance the needs against the physical limitations and natural qualities of the project. In formulating the plan, present and future needs were considered. The reservoir manager will continually monitor the needs of lake users and recommend revisions that will minimize conflicts between various interests. Minor and major changes will be coordinated with the approval of the state department of natural resources. In advance of adopting a major revision to this plan, all proposed revisions will be publicly announced for review and comment prior to being considered at a public hearing conducted by the board of commissioners.

(b) The plan will be subject to periodic reevaluation and individual segments may therefore need reevaluation and revision.

(Code 1978, § 9-7010)

Sec. 62-41. Enforcement of management plan.

(a) Violations of this article shall be tried in the magistrate court of the county pursuant to O.C.G.A. § 15-10-60 et seq.

(b) Any person who violates a provision of this article may be punished by a fine of not more than $1,000.00, the imposition of community service hours not to exceed 200 hours, or imprisonment for not more than 60 days, the imposition of restitution/restoration of a land disturbance violative of the provisions of this article, or each and may be tried and sentenced in accordance with the provisions of the laws of the state. Persons designated by the board of commissioners shall have the authority to issue citations for violation of this article, pursuant to O.C.G.A. § 15-10-63, requiring the appearance of any person charged with the violation to appear before the magistrate court of the county.

(c) Any person who commits an act against any official or employee of the county that is a crime under the provisions of the United States Code or under provisions of pertinent state law may be tried and sentenced as further provided in federal or state law, as the case may be.

(Code 1978, § 9-7011)

Sec. 62-42. Applicability.

The provisions of this article shall supersede all other provisions of this Code relative to the watershed protection zoning district.

(Code 1978, § 9-7012)

## Chapter 66 OFFENSES AND MISCELLANEOUS PROVISIONS[[30]](#footnote-30)

Sec. 66-1. Disorderly conduct.

(a) *Generally.* It shall be unlawful and disorderly conduct for any person within the unincorporated areas of the county to:

(1) Recklessly or knowingly commit any act which may be reasonably expected to prevent or disrupt a lawful meeting, gathering or procession;

(2) Use without provocation, in the presence of another, opprobrious or abusive words which may by their very utterance tend to incite an immediate breach of the peace;

(3) Purposely or recklessly obstruct any highway, street, sidewalk or other public passage without authority of law in such a way as to render it impassable without unreasonably inconvenience or hazard, and fail or refuse to remove the obstruction after receiving an official request or the order of a police officer that he do so;

(4) Willfully obstruct, resist, oppose or hinder any law enforcement officer in the lawful discharge of his official duties;

(5) Knowingly, and without authority, enter upon the land or premises of the county after receiving, prior to such entry, notice from the county or an authorized representative of the county that such entry is forbidden;

(6) Act in a violent or tumultuous manner toward another whereby a reasonable person would be placed in fear of safety for life or limb;

(7) Consume alcoholic beverages or transport open containers of alcoholic beverages on or upon public areas, which shall be defined as the streets or roads in the county or on any county-owned property, with the exceptions of the County Auditorium, the Black Shoals Retreat House, and Costley Mill Park, or any public place of business patronized by the public, with the exception of those businesses duly licensed by the county for consumption of alcohol on the premises;

(8) Be a person under 21 years of age who is in possession of or consumes alcoholic beverages outside of the immediate presence of his parent or guardian;

(9) Smoke in any building or facility owned or leased by the county when designated and signed as "No Smoking" areas. For the purpose of this section, smoking shall include but not be limited to cigars, cigarettes and pipes; and

(10) Knowingly enter upon the land or premises of the county and remain on the premises with no obvious reason, so as to loiter, after receiving notice from the county or an authorized representative of the county that such behavior is forbidden.

(b) *Penalty for violation.* The penalty for a violation of this section shall be as provided in section 1-11.

(Code 1978, §§ 9-1001, 9-1003; Ord. 0-2017-21, § I, 9-19-2017)

State law reference(s)—Joint jurisdiction with state law on disorderly conduct, O.C.G.A §§ 16-11-34, 16-11-41.

Sec. 66-2. Public indecency.

(a) *Purpose.* This section has been enacted for the purposes, among others, of protecting and preserving the health, safety, welfare, and morals of the citizens of the county; protecting societal order; reflecting moral disapproval of people appearing in the nude among strangers in public places; and proscribing public nudity across the board.

(b) *Prohibitions.* A person shall be prohibited, while in a public place, from knowingly or intentionally:

(1) Engaging in sexual intercourse;

(2) Engaging in deviate sexual conduct;

(3) Appearing in a state of nudity; or

(4) Fondling the genitals of himself, herself or another person.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Accessible to the public* means any area or place, including but not limited to any building, structure or business, where the public is invited and are free to go upon special or implied invitation, including but not limited to such an area or place available to all or a certain segment of the public.

*Nudity* means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; showing the female breasts with less than a fully opaque covering of any part of the nipple; or the showing of covered male genitals in a discernibly turgid state.

*Public place* means any area or place, including but not limited to any building, structure or business, accessible to the public, regardless of whether privately or publicly owned.

*Showing* means pointing out or drawing attention to.

(d) *Penalty for violation.* Violation of this section shall be subject to the fines and penalties as defined by section 1-11.

(e) *Exception.* Subsection (b)(3) of this section shall not apply when the nudity is part of some larger form of expression that merits First Amendment protection pursuant to the Constitution of the United States of America or the state constitution.

(Code 1978, § 9-1001.5)

Sec. 66-3. Possession of marijuana.

(a) *Definition.* The term "marijuana" means all parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include samples as described in O.C.G.A. § 16-13-25(3)(P) and shall not include the completely defoliated mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seed of the plant which are incapable of germination.

(b) *Possession of marijuana prohibited.* It shall be unlawful for any person to possess one ounce or less of marijuana within the unincorporated areas of the county. Possession of such substance shall be a violation of this Code.

(c) *Penalty for violation.* The penalty for a violation of this section shall be as provided in section 1-11.

(Ord. No. 0-2001-20, § 1, 8-28-2001)

Sec. 66-4. Loitering generally.

(a) A person commits the offense of loitering when the person is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(b) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances make it impracticable, a sheriff's deputy shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the deputy failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(Ord. No. 0-2006-34, § 1, 12-21-2006)

Sec. 66-5. Loitering for purpose of procuring others to engage in sexual acts for hire.

It shall be unlawful for any person to loiter in public for the purpose of soliciting or procuring others to engage in any sexual acts for hire.

(Ord. No. 0-2006-34, § 2, 12-21-2006)

Sec. 66-6. Loitering for purposes of engaging in drug-related activity.

(a) *Legislative findings and intent.*

(1) The Rockdale County Board of Commissioners finds that the increase throughout the county of loitering in public places for the purposes of unlawful drug-related activity, or in effect, "open air" drug dealing, has become extremely disturbing and disruptive to residents and businesses. This activity has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear and intimidation and disorder.

(2) Loitering for purposes of unlawful drug-related activity usually includes a dominate presence of those persons engaging in such activity by approaching pedestrians, encouraging the presence of vehicle and pedestrian traffic for the purpose of unlawful drug-related activity in and out of residential areas, to or from motor vehicles or in parking lots. Such presence carries with it an implicit threat to visitors and residents to avoid the use of these public places. The avoidance of such places by law-abiding citizens leads to an increased opportunity for the unlawful criminal activity and furthers the decay of the neighborhood.

(3) The county has a strong interest in ensuring that citizens feel safe in their neighborhoods, in safeguarding the economic vitality of its business districts, and in preserving public places for their intended purposes.

(4) This section is not intended to limit any person from exercising their right to assemble or engage in any other constitutionally protected activity. This section applies to all persons with the requisite intent to induce another to engage in unlawful drug-related activity.

(b) It shall be unlawful for any person to loiter, as defined in section 66-4, in or near any thoroughfare, place open to the public, or any public or private place in order to induce, entice, solicit or procure another to engage in unlawful drug-related activity.

(1) For the purposes of this section "unlawful drug-related activity" means conduct which constitutes an offense defined in O.C.G.A. title 16, chapter 13, as amended; conduct which constitutes complicity to commit such an offense by, for example, acting as a lookout; or conduct which constitutes conspiracy to commit such an offense.

(2) For the purposes of this section "public place" means an area open to the public or exposed to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(c) A sheriff's deputy who observes a person loitering under circumstances that provide the deputy with a reasonable basis to believe unlawful drug-related activity is occurring or has occurred may detain the individual for the purpose of investigating whether the person is in violation of this section.

(d) A sheriff's deputy may not detain an individual under this section unless both of the following elements are satisfied:

(1) The person engages in one or more of the following behaviors:

a. The person passes or receives from a passer-by, bystander or person in a motor vehicle money, objects having characteristics consistent with controlled substances, and/or an envelope, bag or other container that could reasonably contain such objects or money;

b. The person conceals or attempts to conceal an object having characteristics consistent with controlled substances and/or an envelope, bag, clear plastic baggie or other container that could reasonably contain such objects;

c. The person flees or obscures himself upon seeing law enforcement officers;

d. The person communicates the fact that law enforcement officers are in the vicinity to another person in a manner that suggests that the communication is a warning; or

e. The deputy observes the person in possession of any instrument or object that is designed or marketed as useful primarily for one or more of the following purposes:

1. To inject, ingest, inhale or otherwise introduce marijuana or a controlled substance into the human body;

2. To enhance the effect of marijuana or a controlled substance on the human body;

3. To test the strength, effectiveness, or purity of marijuana or a controlled substance;

4. To process or prepare marijuana or a controlled substance for introduction into the human body;

5. To conceal any quantity of marijuana or a controlled substance; or

6. To contain or hold marijuana or a controlled substance while it is being introduced into the human body.

(2) One of the following factors applies:

a. The deputy is aware that, within the preceding three years, the person has been convicted of an offense defined in O.C.G.A. title 16, chapter 13, or of complicity to commit such an offense, or of conspiracy to commit such an offense with in the preceding three years;

b. The deputy has knowledge of a specific reliable tip concerning unlawful drug-related activity at a specific location, and the person who is found loitering is doing so at a time, in a place or in a manner that is otherwise consistent with the details provided in the tip;

c. The person is loitering in an area that has been designated a notorious drug-related activity area as defined in subsection (g), below;

d. The person is in an area where he is prohibited by court order from being, and the deputy is aware of the court order;

e. The deputy knows that the person has been previously convicted of loitering with the intention of engaging in unlawful drug-related activity under this section; or

f. Any vehicle the person has approached or communicated through is registered to an individual who has been convicted of an unlawful drug-related activity in the previous three years, and the deputy is aware of that fact.

(e) No arrest may be made for a violation of this section unless the arresting deputy first affords the person an opportunity to explain the person's presence and conduct, unless flight by the person or other circumstances make it impracticable to afford such an opportunity. No one shall be convicted of violating this section if it appears at trial that the explanation given at the scene was true and disclosed a lawful purpose.

(f) If a sheriff's deputy who detains a person pursuant to this section develops probable cause to believe that the person is in violation of this section, the deputy may order the person to immediately leave the location and to remain at least 500 feet away from the location for at least five hours. In the event that person refuses to comply with such an order, the sheriff's deputy may arrest the person and charge him with a violation of this section.

(g) The board of commissioners may, by written directive and after consultation with the sheriff, clearly and publicly designate areas of the unincorporated county that are frequently associated with excessive incidents of drug-related offenses, including offenses involving controlled substances, as defined in O.C.G.A. title 16, chapter 13, or marijuana. The sheriff shall file such designations with the clerk to the board of commissioners and with the clerk of the superior court. Prior to recommending such a determination under this subsection, the sheriff shall consult, as he or she deems appropriate, with persons who are knowledgeable about the effects of drug-related activity in areas in which this section may be enforced. Such persons may include, but need not be limited to, members of the Rockdale County Sheriff's Office with special training or experience related to drug-related activity; other personnel of that office with particular knowledge of drug-related activities in the proposed designated area; appointed and elected officials of the area; and community-based organizations. The sheriff shall develop and implement procedures for the bi-annual review and update of any designations made under this subsection.

(Ord. No. 0-2006-34, § 3, 12-21-2006)

Sec. 66-7. Juvenile curfew.

(a) It shall be unlawful for any minor 16 years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, lanes, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places, between the hours of 9:30 p.m. on any day and 6:00 a.m. of the following day; provided, however, that on Fridays and Saturdays, the effective hours are between 11:00 p.m. and 6:00 a.m. of the following day; and provided, that the provisions of this section shall not apply in the following instances:

(1) When a minor is supervised and accompanied (i.e., in the physical presence of) by his or her parent, guardian, or an adult authorized and approved by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

(2) When a minor is upon an emergency errand by his or her parent or guardian or other adult person having the lawful care and custody of the minor.

(3) When a minor is returning home by a direct route (without any unnecessary detours or stops) from and within 30 minutes of the termination of a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event.

(4) When a minor is returning home by a direct route (without any unnecessary detours or stops) from and within 30 minutes of leaving lawful employment that makes it necessary to be in the above-referenced places during the proscribed period of time.

(5) When a minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly, provided that the exercise of such right is clearly evidenced by the minor's conduct.

(6) When a minor is in a motor vehicle with parental consent and engaged in bona fide interstate movement through the county. This also exempts interstate travel beginning or ending in the county.

(7) When a minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor who has not communicated an objection to the police.

(b) It shall be unlawful for a parent, a guardian having legal custody of a minor or any other adult person having the care and custody of a minor to knowingly permit or by inefficient control to allow a violation of this section by a minor in his or her custody. The term "knowingly" includes knowledge which a parent or other responsible person should reasonably be expected to have concerning the whereabouts of a minor in that person's legal custody. It is intended to keep neglectful or careless persons up to a reasonable community standard of responsibility through an objective test. It shall be no defense that a person was completely indifferent to the activities or conduct or whereabouts of such minor.

(c) *Penalty for violation.* The penalty for a violation of this section shall be as provided in section 1-11.

(Ord. No. O-2024-10, § 1, 8-13-2024)

Sec. 66-8. Nondriver participation in illegal street racing, reckless driving exhibition or reckless stunt driving exhibition.

(a) It shall be unlawful for:

(1) Any person to knowingly act as an organizer in an illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition, as defined herein.

(2) Any person, except as provided elsewhere in this chapter, to knowingly act as a participant in and/or spectator of an illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition as defined herein.

(3) Any person remaining in or around an illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition after being instructed by law enforcement to leave the area.

(4) Any property owner to knowingly allow any part of an illegal street racing, reckless driving exhibition or reckless stunt driving exhibition to occur on their property.

(b) *Definitions.*

(1) Illegal street racing, reckless driving exhibition or reckless stunt driving exhibition includes, but is not limited to, a motor vehicle speed contest using public highways, streets or rights-of-way, public or private driveways, or parking lots in violation of applicable motor vehicle and traffic laws.

(2) Illegal street racing, reckless driving exhibition or reckless stunt driving exhibition may include, but are not limited to, situations in which:

a. A group of motor vehicles or individuals has arrived at a location for the purpose of participating in the event;

b. A group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in the event;

c. One or more individuals has impeded the free public use of a public street, sidewalk or highway by actions, words, or physical barriers for the purpose of conducting the event;

d. Two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed;

e. One or more drivers are revving his engine or spinning his tires in preparation for the event, laying drag; or

f. An individual is stationed at or near one or more motor vehicles serving as a race starter; or

g. A motor vehicle associated with the event is being driven in reckless disregard for the safety of persons or property.

(3) Organizer means any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising, collection of monies or sharing of the location for any such illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition, as defined herein.

(4) Participant means any individual who is knowingly present at an illegal street racing, reckless driving exhibition or reckless stunt driving exhibition for the purpose of actively taking part in the event, through conduct including riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; or exchanging money or anything of value with any driver, car owner, or other participant in connection with the event. For the purposes of this section, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.

(5) This section shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

(b) *Penalties.*

(1) Whenever in this Code or in any ordinance, rule, regulation or order of the county any act is prohibited or is made or declared to be unlawful, or whenever in the Code or any ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of that provision of the Code or any ordinance, rule, regulation or order may be punished by the Magistrate Court of Rockdale County, for each single violation, by a fine of not more than $1,000.00, or by imprisonment for not more than 60 days, or both.

(2) Each day, a violation of any provision of this Code shall constitute a separate offense.

(3) Any motor vehicle used in illegal street racing, reckless driving exhibition, or reckless stunt driving exhibition or driving as defined in this section shall be removed and impounded by law enforcement to the extent authorized by applicable state law, including, without limitation, O.C.G.A. § 40-6-206, or pursuant to a warrant issued by a court of competent jurisdiction. An impounded vehicle may be held in impound for not less than 30 days or final adjudication of the case, to the maximum extent allowed under state law.

(4) Notwithstanding all other provisions previously established for punishment of violations of this Code, this provision shall prevail.

(Ord. No. O-2024-35, § I, 12-10-2024)

## Chapter 70 PARKS AND RECREATION[[31]](#footnote-31)

Sec. 70-1. Parks and recreation director; powers and duties.

The parks and recreation director shall:

(1) Establish, conduct, and maintain a recreation system for the county in such a way as to employ the leisure of the people in a wholesome and constructive manner.

(2) Provide for, conduct, and supervise public playgrounds, indoor recreation centers, and other recreational facilities owned or controlled by the county.

(3) Recommend the setting aside, leasing, or acquisition of lands or buildings within the county for use as parks, playgrounds, recreation centers, or for other recreational purposes, and to provide for the maintenance and improvement of these areas.

(4) Manage, plan, and implement the Parks and Recreation Master Plan and Strategic Plan.

(5) Exercise any other powers and duties as may be delegated from time to time by the county chairperson or the board of commissioners.

(Code 1978, § 4-3001; Ord. No. 2017-34, § 2, 12-12-2017; Ord. No. O-2024-13, § 19, 9-10-2024)

Editor's note(s)—Ord. No. O-2024-13, § 19, adopted Sept. 10, 2024, amended the title of § 70-1 to read as herein set out. The former § 70-1 title pertained to recreation and maintenance director; powers and duties.

Cross reference(s)—Officers and employees, § 2-61 et seq.

Sec. 70-2. Use of parks and recreational facilities.

(a) *Penalty for violation of section.*

(1) Any person who is convicted of any of the provisions of this section shall be punished as provided in section 1-11.

(2) Any person convicted of a violation of this section shall be denied any park permit or other permission to utilize the facilities of any public park or recreational area owned, operated or controlled by the county for a period of 60 days following any conviction for a violation of this section.

(b) *Regulations.* The following regulations shall apply to all public parks and recreational areas owned or leased by the county:

(1) *Hours of operation; overnight camping.*

a. No overnight camping shall be permitted in any public park or recreational area.

b. The hours of operation for all public parks and recreational areas shall be from sunrise until sundown; however, the hours may be adjusted for any facility by the director of the department of general services of the county. No person shall remain in or upon the grounds of any public park or recreation area during hours when such public park or recreation area is closed.

(2) *Motor vehicles.* No person shall operate any motorized vehicle, including motorcycles, mopeds or any other similar vehicle, in any part of or upon any road in any public park or recreational area except upon roads within such public park or recreation area and in designated parking areas. No motorized vehicle described in this section shall be parked or left standing at any place in any public park or recreation area except in areas designated for such purpose. Motorized wheelchairs shall be permitted.

(3) *Littering.* Garbage, trash, rubbish, litter, or any other waste material or waste liquid generated in any public park or recreation area and incidental to authorized uses shall be either removed from the site or deposited in receptacles for that purpose. No household, commercial, or industrial garbage, trash, rubbish, debris, dead animals or litter of any kind brought from outside the public park or recreational area shall be disposed of in the public park or recreational area. The spilling, pumping, or other discharge of contaminants, pollutants, or other wastes, including, but not limited to, sewage, petroleum, industrial and commercial products and by-products on public park or recreational area lands or waters is prohibited.

(4) *Open fires.* No open fires, except in county provided picnic grills and/or fire rings, shall be permitted at any time or at any place in any public park or recreational area.

(5) *Firearms and explosives.* No person shall discharge any firearm or explosive, including firecrackers or fireworks, except with the express written permission of the director of general services department of the county, in any public park or recreational area.

(6) *Possession of alcoholic beverages or drugs.* With the exceptions of the County Auditorium, the Black Shoals Retreat House and Costley Mill Park, no person shall sell, serve or consume alcoholic beverages, as defined in the laws of this state, in any public park or recreational area; nor shall any person possess, use, or consume any drug or any other controlled substance, as defined in the laws of this state, except as lawfully permitted by the laws of this state, in any public park or recreational area.

(7) *Damaging vegetation prohibited.* It shall be unlawful for any person to cut trees, tree limbs, shrubbery, flowers or other vegetation or dig up or damage trees, flowers or shrubbery or other vegetation in any public park or recreational area. This section shall not apply to employees of the county or their designees while performing their official duties.

(8) *Profanity, loud or boisterous language prohibited.* It shall be unlawful for any person to use profanity or loud or boisterous language in any public park or recreational area.

(9) *Regulations specific to Randy Poynter Lake/Black Shoals Reservoir.* In addition to the foregoing subsections, the following regulations shall apply to all real property owned or leased by the county known as the Randy Poynter Lake/Black Shoals Reservoir, the following shall control as to the Randy Poynter Lake/Black Shoals Reservoir:

a. It shall be unlawful for any person to operate any motorized vehicle in or upon the Randy Poynter Lake/Black Shoals Reservoir within the designated pool area of 735 mean sea level (msl) unless such person is employed, under contract with Rockdale County Water Resources or the county or under subcontract with a person or entity under contract with such public entities.

b. It shall be unlawful for any person to enter, remain in or upon the Randy Poynter Lake/Black Shoals Reservoir within the designated pool area of 735 mean sea level (msl) unless such person is employed or under contract with Rockdale County Water Resources or the county or under subcontract with a person or entity under contract with such public entities.

c. It shall be unlawful for any persons seeking to launch a boat into the Randy Poynter Lake/Black Shoals Reservoir to do so at locations other than the boat ramps provided. Owners of property which adjoins the designated pool area of the reservoir who seek to launch a boat into the reservoir must either use the boat ramps as provided, or utilize the methods provided in section 62-37 of the Black Shoals Reservoir Management Plan.

d. It shall be unlawful for any person to use or engage in activities within the area of the Randy Poynter Lake/Black Shoals Reservoir designated and zoned as W-RB unless such area is specifically designated for such use or activity in section 62-37 of the Black Shoals Reservoir Management Plan.

e. It shall be unlawful for any person to use or engage in activities within the area of the Randy Poynter Lake/Black Shoals Reservoir designated and zoned as W-RP unless such specific use or activity has been approved in writing by the director of the general services department of the county.

f. It shall be unlawful for any person to place, permit or operate a boat with a gasoline-powered engine in the waters of the Randy Poynter Lake/Black Shoals Reservoir. Only sailboats, canoes, rowboats, or other boats propelled by electric motors shall be allowed. All boats on the reservoir shall be taken out one hour before closing of the reservoir. This section shall not apply to employees of the county or their designees while performing their official duties.

g. No person shall swim in the waters of the Randy Poynter Lake/Black Shoals Reservoir.

(10) *Animals.*

a. It shall be the duty of every animal owner or custodian whose animal is in a parks and recreation facility to have physical control of the animal by leash or lead line at all times unless in designated dog park areas where off leash is permitted or approved otherwise, by permit, by the director or the director's designee. It shall be unlawful for any person with an animal, other than service animals (such as guide dogs), as necessary, to access areas of the parks and recreation facility which are restricted to animals. It shall be the duty of every animal owner or custodian of any animal whose animal is in a parks and recreation facility to immediately and properly dispose of solid waste deposited by the animal, except for horses on designated equestrian trails.

b. It shall the be duty of every animal owner or custodian of any animal whose animal is in a parks and recreation facility to have in their possession proof of a current rabies vaccination for their animal. It shall be the duty of every horse owner to custodian whose horse is in a recreation and maintenance facility to have in their possession, proof of a current negative Coggins test for their horse.

c. It shall be the duty of every animal owner or custodian of such animal in a parks and recreation facility to immediately remove from such facility said animal upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this section, aggressive behavior includes, but is not limited to, barking, growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domesticated animal.

(Code 1978, § 9-5012; Ord. No. 0-2000-5, § I, 3-28-2000; Ord. No. 2010-07, § 2, 5-11-2010; Ord. No. 0-2010-18, § 4, 12-14-2010; Ord. 0-2017-21, § II, 9-19-2017; Ord. No. 2017-34, § 3, 12-12-2017; Ord. No. 2021-16, § 4, 5-11-2021; Ord. No. 2021-18, § 1, 6-8-2021)

## Chapter 74 PEDDLERS AND SOLICITORS[[32]](#footnote-32)

### ARTICLE I. IN GENERAL

Secs. 74-1—74-30. Reserved.

### ARTICLE II. CHARITABLE SOLICITATIONS

Sec. 74-31. Registration and permit.

Any charitable organization registered under O.C.G.A. § 43-17-5 or exempt from registration under O.C.G.A. § 43-17-9 that wishes to solicit contributions on streets and highways within the unincorporated area of the county shall be required to obtain a permit in accordance with the standards and criteria specified in this article. Applications for a permit for such activity shall be made at least 30 days in advance of the date on which the solicitation shall take place. The number of permits issued during a calendar year shall be limited to two per qualified charitable organization. Each permit shall be valid for a period of time not to exceed 90 days. Permits shall be authorized only for solicitation at four-way stop intersections.

(Ord. No. 0-1997-15, § I(8-3001), 9-23-1997; Ord. No. 0-2000-21, § 1, 9-12-2000)

Sec. 74-32. Application.

The application for a permit to conduct such solicitation shall be made to the sheriff in writing, shall be signed by the person responsible for supervising the solicitation and shall contain the following information:

(1) Name of the charitable organization and proof of eligibility and registration pursuant to O.C.G.A. § 43-17-5 or exception pursuant to O.C.G.A. § 43-17-9;

(2) Dates and times of the proposed solicitation;

(3) Names and addresses of all persons expected to participate in the solicitation, along with a signed affidavit from each participant agreeing to hold harmless and indemnify the county;

(4) Approved four-way stop intersection locations; and

(5) Name, address, phone number and signature of person making application.

(Ord. No. 0-1997-15, § I(8-3002), 9-23-1997)

Sec. 74-33. Review of application.

The sheriff or his designee shall review the information set forth in the application and have exclusive authority to grant or deny the application. Such permission or denial shall be determined by:

(1) Whether the solicitation will or will not reasonably interfere with the normal and safe use of the streets by the general public; and

(2) Whether the required factors and criteria have been satisfied.

In either case, the sheriff or his designee shall indicate his disposition on the application in writing and shall notify the applicant of the action taken. The sheriff or his designee may attach conditions to any permit issued that are intended to protect the safety of the participants and/or the traveling public, such as limitations on solicitation hours due to visibility, the total number of participants per approved location, and similar safety stipulations.

(Ord. No. 0-1997-15, § I(8-3003), 9-23-1997)

Sec. 74-34. Conduct during solicitation.

Each participant of an authorized solicitation shall wear an orange reflective vest, and an identification tag or other material visible to the vehicular occupants solicited that accurately identifies the charitable organization soliciting. The applicant shall further post adequate notices at least 500 feet in front of the solicitation warning oncoming traffic of the presence of the solicitation in a safe manner and location previously approved by the sheriff or his designee.

(Ord. No. 0-1997-15, § I(8-3004), 9-23-1997)

Sec. 74-35. Revocation of permit.

Every permit issued under this article is subject to the right, which is hereby expressly reserved, to revoke the permit should a solicitation occur contrary to the provisions of the permit issued, this or other ordinances of the county, the laws of the state or the public safety and welfare as determined by the sheriff or his designee.

(Ord. No. 0-1997-15, § I(8-3005), 9-23-1997)

## Chapter 78 SOLID WASTE AND WEEDS[[33]](#footnote-33)

### ARTICLE I. IN GENERAL

Sec. 78-1. Definitions.

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

*Building materials* means any material such as lumber, brick, plaster, gutters or other substances accumulated as a result of repairs or addition to existing buildings, construction of new buildings or demolition of existing structures.

*County,* as the word is used in a geographical sense, shall be deemed to refer to the area of the county outside the corporate limits of the City of Conyers therein.

*Dumping* means the discharge, deposit, spilling, leaking or placing of any waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwaters.

*Garbage* means the byproduct of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

*Hazardous refuse* means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

*Household trash* means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

*Industrial waste* means all waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing enterprises.

*Litter* means any organic or inorganic waste material, rubbish, refuse, scrap tires, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not waste as such term is defined in this section.

*Public or private property* means the right-of-way of any road or highway; any body of water or watercourse or the shores or beached thereof; any park, playground, building, refuge, or conservation or recreation area; residential or farm properties, timberlands, or forests; or any commercial or industrial property.

*Road* and *street* shall be mutually inclusive, and shall likewise be deemed to include any alley, lane, court and other thoroughfare, however described or designated.

*Scavenge* means any unauthorized or uncontrolled retrieval of discarded refuse materials.

*Scrap tire* means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

*Waste* means all discarded substances and materials whatsoever exceeding ten pounds in weight or 15 cubic feet in volume, or any such substance or material dumped for the purpose of economic gain. Economic gain can include the saving of money as well as making money. The term "waste" includes, without limitation, sand; gravel; slag; brickbats; rubbish; waste material; tin cans; refuse; garbage; trash; debris; dead animals; bottles; boxes; containers; papers; tobacco products; tires; appliances; mechanical equipment or parts; building or construction materials; tools; machinery; wood; motor vehicles and motor vehicle parts; vessels; aircraft equipment; waste oil; batteries; antifreeze; sludge from a wastewater treatment facility, water supply treatment plant, or air pollution control facility; air contaminants from any source or facility; and any other discarded material or substance of every kind and description resulting from domestic, industrial, commercial, mining, or governmental operations.

(Code 1978, § 9-4002; Ord. No. 0-2000-22, § 1, 9-26-2000; Ord. No. 0-2000-23, § 1, 9-26-2000; Ord. No. 2007-08, §§ 1, 2, 4-10-2007)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 78-2. Administration and enforcement.

The administration and enforcement of the provisions of this chapter shall be the duty of the board of commissioners or its designee.

(Code 1978, § 9-4003)

Sec. 78-3. General prohibition.

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter or waste on any public or private property, or any waters in the unincorporated areas of Rockdale County unless:

(1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter or waste, and such person is authorized by the proper public authority to use such property;

(2) The litter or waste is placed into a receptacle or container installed on such property; or,

(3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

(Code 1978, § 9-4001; Ord. No. 2007-08, § 3, 4-10-2007)

Sec. 78-4. Objects in streets and sidewalks prohibited.

(a) It shall be unlawful for any person to place or to throw or to leave or abandon on any street in the county any glass bottle or can or the fragments thereof, or any broken glass or crockery of any kind, or nails, tacks, brickbats or any article or object likely to injure barefoot persons using those streets or sidewalks or to injure or puncture tires of vehicles utilizing pneumatic tires for their locomotion.

(b) It shall be unlawful for any person to keep on the streets or sidewalks in the county any crates, boxes or any similar containers, except authorized trash receptacles.

(Code 1978, §§ 9-4006, 9-4008)

Cross reference(s)—Streets, sidewalks and other public places, ch. 82.

Sec. 78-5. Special refuse disposal problems.

(a) The removal of clothing, bedding or other refuse from homes or other places where highly infectious diseases have prevailed shall be performed under the supervision and direction of the county health department.

(b) No person shall dispose of or discard any hypodermic injection devices before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing such devices in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.

(c) Ashes that are to be hauled must have been wetted and cool to the touch prior to collection.

(d) Hazardous or liquid waste or highly combustible industrial waste shall not be disposed of in the landfill except under the supervision of the director of public services and engineering.

(Code 1978, § 9-4011)

Sec. 78-6. Duty to ensure cleanliness of areas surrounding businesses

The proprietor and person in charge of every business and commercial establishment in the county, jointly and severally, is hereby required to keep the driveways, yards, parking lots and areas adjacent thereto and under their control clean at all times and to place sweepings in a container to prevent rescattering.

(Code 1978, § 9-4012)

Sec. 78-7. Owners to provide containers for litter generated by customers, licensees or invitees.

Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide litter containers of that character, size, number and type as may be specified by the director of public services and engineering to be reasonably required to hold litter generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments, and shall likewise apply to commercial establishments, garages, schools, colleges and churches.

(Code 1978, § 9-4013)

Sec. 78-8. Parking lot owners to provide containers.

Every owner and every operator of a private or commercial parking lot shall provide litter containers of adequate size, character and number as specified by the director of public services and engineering to contain the litter generated by the operations of that parking lot and shall comply with the requirements of the UDO, including UDO section 226-3.

(Code 1978, § 9-4014; Ord. No. 0-2006-32, § 8, 11-28-2006)

Sec. 78-9. Litter, trash and debris resulting from special occasions.

Litter, trash and debris resulting from special occasions such as holidays, moving or cleanup will be made into bundles weighing not more than 50 pounds each and not more than four feet long, two feet wide and two feet high, and made secure. Empty cartons will be broken down before being placed in bundles. Bundles will be placed at or near the front property line for routine pickup in accordance with the policies of the county.

(Code 1978, § 9-4015)

Sec. 78-10. Garbage storage area to be kept clean.

Every owner, occupant and lessee of a house, manufactured home or building shall be jointly and severally required to maintain garbage storage areas in a clean condition and to ensure that all garbage is properly containerized.

(Code 1978, § 9-4016)

Sec. 78-11. Construction and demolition sites to be maintained.

The county requires that all construction site operators control waste, such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, that may cause adverse impacts to water quality at the construction site. Property owners and prime contractors in charge of a construction site shall be jointly and severally required to furnish litter containers for discarded building materials and other construction litter. All litter from construction and related activities shall be containerized and shall be picked up and placed in containers at the end of each workday.

(Code 1978, § 9-4017; Ord. No. 0-2013-15, § 1, 12-10-2013)

Cross reference(s)—Environment, ch. 42; general provisions of planning and development, ch. 102.

Sec. 78-12. Duties of the owner, occupant and lessee with respect to litter.

The owner, occupant and lessee of all property, jointly and severally, are required to remove all litter and place the litter in proper container, and vacant lots, borders, parking lots, embankments, fences, walls and sidewalks shall be kept free of litter by those persons. Parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial enterprises shall see to it that their respective properties are kept litter free.

(Code 1978, § 9-4018)

Sec. 78-13. Community improvement requirements; weed and litter control.

(a) It shall be unlawful for any person to maintain, cause or permit the accumulation of litter or uncut grass or weeds on any parcel, tract or lot of real property under such circumstances that the litter or uncut grass or weeds exceeds a height of ten inches or becomes a nuisance or health hazard, or where such is unreasonably unsightly. It shall be the final responsibility of the property title holder to ensure that any parcel, tract or lot of real property located in the unincorporated area of the county is maintained in a manner protective of public safety, health and general welfare.

(b) In the event that such conditions as described in subsection (a) exist and the property is deemed vacant of owner or renter, written notice shall be provided by the county by:

(1) Registered or certified mail with postage prepaid deposited in the United States mail or statutory overnight delivery addressed to the property title owner's last known address according to the records of the tax commissioner, or to the occupant at the property address which is the subject of the notice, whereupon service shall be complete upon mailing; and

(2) By posting a copy of the notice in a conspicuous place on the parcel, tract or lot of real property.

(c) If the property title owner or occupant shall fail to clear the parcel, tract or lot of real property and remove litter, grass or weeds as described in subsection (a) within eight days of service of written notice then the following may occur:

(1) A citation may be issued against the property title owner or occupant. A separate violation shall be deemed to occur for each and every day during which any violation of this section is committed or continued following the expiration of the eight-day notice period.

(2) The director of the department of planning and development may, at any time following the eight-day notice period, cause the condition to be abated. The director is authorized to cause the weeds, vegetation, garbage, trash or other things thereon that constitute an unsanitary or dangerous condition or health menace to be cut and/or removed from the property and to charge the cost and expense thereof to the property title owner. Any such cost incurred by the county to abate such condition shall constitute a lien on the property and such lien shall have the same status and priority as a lien for taxes.

(3) Both a citation and abatement proceeding may be instituted.

(Code 1978, § 9-4019; Ord. No. 0-2000-3, § 1, 2-8-2000; Ord. No. 2008-07, § 1, 6-17-2008; Ord. No. 0-2016-16, § I, 10-25-2015; 0-2017-05, § 1, 4-25-2017)

Sec. 78-14. Yard trimmings.

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

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes.

*Composting* means the controlled biological decomposition of organic matter into a stable, odor-free humus.

*Leachate collection system* means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

*Municipal solid waste* means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term "municipal solid waste" includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

*Municipal solid waste disposal facility* means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste including but not limited to municipal solid waste landfills.

*Municipal solid waste landfill* means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

*Yard trimmings* means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

(b) *Yard trimmings, disposal restrictions.*

(1) Yard trimmings shall not be placed in or mixed with other forms of municipal solid waste.

(2) Yard trimmings shall not be disposed of at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion.

(3) Yard trimmings shall be sorted and stored for collection in such a manner as to facilitate collection, composting or other handling. Yard trimmings shall be bundled and staked in lengths not to exceed four feet. If placed in containers, biodegradable containers only shall be used.

(4) Yard trimmings shall be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or recycled to the maximum extent feasible. The following practices are specifically considered to be acceptable and meet the intent of this requirement:

a. Naturalized, low maintenance landscaping requiring little or no cutting;

b. Grass recycling by mowing it high and letting it lie;

c. Stacking branches into brush piles for use as wildlife habitats and for gradual decomposition into the soil;

d. Composting on the site where the material was grown, followed by incorporation of the finished compost into the soil at that site;

e. Chipping woody material on the site where such material was generated.

f. Collecting yard trimmings and transporting them to another site to be chipped or composted for later use; and

g. Chipping woody material for later use as fiber fuel.

(5) Recognizing that the practices cited in subsection (b)(4) of this section may not be feasibly adopted by an individual property owner or lessee, nothing in these regulations shall prohibit the collection and removal of yard trimmings from individual properties to an approved place of disposal provided the restrictions of subsections (b)(1), (b)(2) and (b)(3) of this section are met.

(6) Yard trimmings may be deposited at the county recycling and transfer station subject to the provisions of the county recycling and transfer operations policy adopted by the board of commissioners October 8, 1996. Yard trimmings deposited at the county recycling and transfer station shall be handled according to the applicable provisions of subsections (b)(1), (b)(2), (b)(3), and (b)(4) of this section, except that the requirement that yard trimmings be stacked and bundled in lengths not to exceed four feet shall not apply to yard trimmings delivered to the recycling transfer station by a property owner or leasee personally.

(Code 1978, § 9-4020)

Sec. 78-15. County recycling and transfer station.

(a) Rules regarding the manner and operation of the recycling and transfer station shall be set by the director of the department of transportation subject to the approval of the board of commissioners. During the hours of operation designated by the director of public services and engineering, acceptable waste shall be received for disposal from any resident of the county upon payment of the prescribed fee.

(b) It shall be unlawful to and no person shall enter the recycling and transfer station except when an attendant is present and during the hours and days of operation. All materials properly delivered and deposited at the recycling and transfer station shall immediately become the property of the county.

(c) It shall be unlawful to and no person shall deposit waste of any kind outside the gate or entryway of the recycling and transfer station.

(d) It shall be unlawful to and no person shall move, remove or cross any fence, gate, barrier or sign at the recycling and transfer station.

(e) It shall be unlawful to and no person shall scavenge in any manner at the recycling and transfer station without the express written permission of the director of the department of transportation or his designee.

(Ord. No. 0-2000-22, § 4, 9-26-2000; Ord. No. 2010-18, § 1, 12-14-2010)

Sec. 78-16. Legal status provisions.

(a) If any federal or state law or any other county ordinances require or impose more restrictive standards than provisions of this chapter, those laws or ordinances shall govern. If this chapter requires or imposes more restrictive standards than any federal or state law or any other county ordinances, this chapter shall govern.

(b) Should any state law preempt or otherwise supersede this chapter, upon such a finding by the judge of the county magistrate court, the judge may bind the alleged offender over to the county superior court for violation of that state law.

(Code 1978, § 9-4021)

Sec. 78-17. Violation and penalties.

Any person who violates this article shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

(1) By a fine of not less than $200.00 and not more than $1,000.00; and

(2) In addition to the fine set out in subsection (1) of this section, the offender shall reimburse the county for the reasonable cost of removing the litter when the litter is removed or is ordered removed by the county; and

(3) In addition, in the sound discretion of the magistrate court:

a. The offender may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

b. The offender may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

c. The court may publish the names of persons convicted of violating this article.

(Code 1978, § 9-4023; Ord. No. 0-2000-23, § 3, 9-26-2000; Ord. No. 2007-08, § 4, 4-10-2007)

Secs. 78-18—78-40. Reserved.

### ARTICLE II. LITTERING, DUMPING, BURNING OFFENSES[[34]](#footnote-34)

Sec. 78-41. Littering in public places prohibited.

(a) It shall be unlawful for any person to throw hulls, peelings or other litter upon the sidewalk or in or upon the floors of churches, public halls, theatres, buses, auditoriums, schools and other similar public places.

(b) It shall be unlawful for any person to place, store, dump, park or broadcast any junk, metal, brickbats, stones, plaster, lumber, trash, garbage, litter, paper or similar rubbish and junk upon any public street, road or sidewalk in the county.

(Code 1978, §§ 9-4005, 9-4007)

Sec. 78-42. Transportation of refuse.

(a) It shall be unlawful for any person to transport any garbage, trash, refuse or similar cargo upon the public, thoroughfares in the county if the garbage, trash, refuse or similar cargo is of a character or substance which is likely to be deposited from the motor vehicle onto the public rights-of-way unless the garbage, trash, refuse or similar cargo is secured by containers, tarpaulin or other device in any fashion as to effectively prevent such deposit on the public right-of-way.

(b) The duties and responsibilities imposed in subsection (a) of this section shall be strictly applicable, jointly and severally, to the owner of motor vehicles, the operator thereof and the person from whose home or business establishment the garbage, trash, refuse or similar cargo originated.

(Code 1978, § 9-4010)

Sec. 78-43. Dumping, burning or deposit of waste prohibited.

(a) The owner, occupant and lessee of all property, jointly and severally, are required to remove all waste and place the waste in proper containers. It shall be unlawful for the owner, occupant, or lessee to maintain, cause or permit the accumulation of waste on any property. It shall be the final responsibility of the property title holder or his agent to ensure that any land and/or building located in the unincorporated area of the county be maintained in a manner protective of public safety, health and general welfare.

(b) It shall be unlawful for any person or persons to dump waste unless authorized to do so by law or by a duly issued permit:

(1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or on any other public lands except in containers or areas lawfully provided for such dumping;

(2) In or on any lake, river, canal, or stream; or

(3) In or on any private property, unless prior consent of the owner has been given and unless such dumping will not adversely affect the public health and is not in violation of any state law, rule or regulation.

(c) No property owner nor any person shall bury or burn waste without prior authorization and written permission from the county fire department or applicable regulatory agency, including but not limited to the United States Environmental Protection Agency, the state environmental protection division of the state department of natural resources, and/or the state forestry service. Nothing in this section shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state or federal law.

(Ord. No. 0-2000-22, § 2, 9-26-2000)

Sec. 78-44. Evidence of violations.

(a) Whenever waste is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this chapter, it shall be prima facie evidence that the operator of the conveyance has violated this chapter.

(b) Except as provided in subsection (a) of this section, whenever waste which is dumped, deposited, thrown, or left on public or private property in violation of this chapter is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

(Ord. No. 0-2000-22, § 3, 9-26-2000)

Sec. 78-45. Violation and penalties.

(a) Any person who violates this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

(1) By a fine of not less than $200.00 and not more than $1,000.00; and

(2) In addition to the fine set out in subsection (1) of this section, the offender shall reimburse the county for the reasonable cost of removing the litter when the litter is removed or is ordered removed by the county; and

(3) In addition, in the sound discretion of the magistrate court:

a. The offender may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

b. The offender may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,

c. The court may publish the names of persons convicted of violating this article.

(b) The weight and volume of the dumped material shall be considered by the county magistrate court in assessing any penalty under this article. Each day that a continuing violation of this article occurs shall constitute a separate offense.

(Ord. No. 0-2000-22, § 5, 9-26-2000; Ord. No. 2007-08, § 5, 4-10-2007)

Sec. 78-46. Deposit of garbage, trash, litter, brush and weeds prohibited; burying or burning of litter.

(a) It shall be unlawful for any person to sweep, throw or deposit any garbage, trash, brush, stagnant water, litter or other debris into, upon or along a drain, gutter, street, road, sidewalk, vacant lot or in the open upon any public or private property or water ways within the county; provided however, that nothing in this section shall prevent the placing of any items on private property at or near the front property line thereof for routine pickup in accordance with the policies of the county.

(b) No person shall bury or burn litter without prior authorization and written permission from the county fire department or applicable regulatory agency, including but not limited to the United States Environmental Protection Agency, the state environmental protection division of the state department of natural resources, and/or the state forestry commission. Nothing in this section shall authorize or be construed to permit the burial or burning of any material which is otherwise prohibited by state or federal law.

(Code 1978, § 9-4004; Ord. No. 0-2000-23, § 2, 9-26-2000)

Sec. 78-47. Prima facie evidence; rebuttable presumption.

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of section 78-46, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(b) Except as provided in subsection (a) of this section, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of section 78-46 is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.

(Code 1978, § 9-4022)

## Chapter 82 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES[[35]](#footnote-35)

Sec. 82-1. Street repairs.

The department of public services and engineering shall maintain and repair the county-owned streets and sidewalks as may be needed and directed by the chairperson of the board of commissioners.

(Code 1978, § 4-1001)

Sec. 82-2. Street excavations.

(a) No county right-of-way or county road, street or sidewalk shall be cut or excavated in any way except upon receiving written permission of the director of the department of public services and engineering or such other department head designated by the chairperson of the board of commissioners. An application shall be submitted to the planning office on a form provided by the county and contain but not be limited to an accurate description of the excavation to be done, the location of the excavation, and any additional information the county may designate. Upon the submission of the completed application, the request shall be reviewed and granted or denied by the appropriate department head.

(b) Any right-of-way or county road, street or sidewalk excavated under this section shall be replaced and restored to its original condition or better, including but not limiting to the regrassing of the right-of-way or easement, if damaged by the excavation, within 30 days of the beginning of the excavation work for the area for which permission is granted. The inspection by the county of the right-of-way excavated shall be conducted in conjunction with the applicable standards as adopted by the county and/or state and shall include but not be limited to the following: the utility street cut standards as adopted by the county and/or all applicable soil erosion and sediment control provisions adopted by the county and set out in chapter 118 or as provided by applicable state law.

(c) The applicant shall give notice of the completion of excavation and restoration work required by this section to the director of the department of public services and engineering or other designated department head as determined by the chairperson of the board of commissioners. Upon notification, the restoration shall be inspected to ensure proper completion.

(d) Prior to the commencement of the excavation and upon submission of his application, the applicant shall post a performance bond in an amount deemed appropriate by the director of the department of public services and engineering in relation to the excavation contemplated but in any event, not less than $5,000.00. In conjunction with the posting of the performance bond, the applicant shall execute a bond agreement as provided by the department of public services and engineering. Such bond shall be released, by the county, upon the proper completion of the excavation in question pursuant to subsection (b) of this section and the submission of a written request by the applicant for release. If the applicant is involved in more than five excavation jobs in a given calendar year, the bond requirement of this section may be satisfied by the posting of a bond in an amount not less than $20,000.00 or an amount deemed appropriate by the director of the department of public services and engineering as related to the type and number of excavations.

(e) If the excavation is commenced in violation of this chapter or if the excavation is commenced and not completed pursuant to this chapter or in the event the excavation as performed fails to pass the inspection provided in this section, the applicant may be subject punishment as provided in section 1-11 for each day of violation.

(Code 1978, § 4-1002)

Sec. 82-3. County road and street priorities.

(a) Pursuant to part I, section 2-62(c)(15), the board of commissioners shall annually establish a county road priority schedule. The county road priority schedule may be adopted or amended by simple motion approved by a majority of the board of commissioners. The county road priority schedule shall provide, in the order of highest to lowest priority, for the improvement, reconstruction or general maintenance of all county roads and streets. The county road priority schedule may include light maintenance such as "pothole" repair or shoulder and right-of-way maintenance, but such may be left to the discretion of appropriate county officials and personnel.

(b) Any such county road priority schedule shall be strictly followed by all county officials and personnel and no road, street, sidewalk, lane or the like shall be serviced or improved in any manner without the road, street, sidewalk, lane or the like being included on such a list or exempt therefrom under this section.

(c) No road, street, sidewalk, lane or the like shall be serviced or improved in any manner except in the order of priority of the schedule provided for under this section without approval of the board of commissioners.

(Code 1978, § 4-1003)

Sec. 82-4. Expenditure of funds for maintenance of public ways.

The chairperson of the board of commissioners or the full board itself shall not expend any funds for the maintenance, repair and upkeep of roads or passageways lying within the county other than those roads, passageways and public ways reflected on the official highway map of the county, such map being incorporated in this section by reference. Provided, however, that insofar as streets, roads or highways not shown on the official county road map are concerned, that:

(1) Upon legal dedication and acceptance of such roads by the county; or

(2) a. Upon a factual showing of public necessity deemed to be adequate by the board of commissioners; and

b. Upon a sufficient legal basis being propounded to establish that the street, road or thoroughfare is legally a public road in the opinion of the county attorney;

then, and only then, shall the county undertake to maintain, repair, grade, and otherwise work those roads.

(Code 1978, § 4-1004)

Sec. 82-5. Work on private property.

(a) It is hereby declared to be the official policy of the county that only county-owned real or personal property shall be improved at county expense, except upon authorization of the board of commissioners. The term "county-owned real or personal property" shall include real or personal property leased or rented by the county. The sole exceptions to this rule are that:

(1) County equipment and authorized staff may be employed on private property to protect lives and property during an emergency, as such emergency may be declared in the discretion of a majority of the board of commissioners;

(2) County equipment and authorized staff may be used to bury dead horses, cows and other livestock on private property provided that the actual expenses to the county, of such services are reimbursed to the county;

(3) County equipment and authorized staff may enter upon and work on private property whenever such entry and work is mandated by federal regulations, state statute or local ordinance or other law;

(4) County equipment and authorized staff may enter upon and work on private cemeteries in the event of an emergency as declared by a majority of the board of commissioners and whenever property ownership cannot be established.

(5) County equipment and authorized staff may enter upon and work on private property whenever such work is required to inspect, maintain, protect, replace, or improve existing county-owned infrastructure, provided that the affected private property owners have signed written agreements allowing such entry and work.

(b) Any county employee, elected official or any other person who knowingly directs, causes or requires county equipment or forces to be used to improve non-county-owned real or personal property in violation of this section shall be punished as provided in section 1-11.

(Code 1978, § 4-1005; Ord. No. 0-2013-04, § 1, 5-14-2013)

Sec. 82-6. Reserved.

Editor's note(s)—Ord. No. 0-2006-32, § 9, adopted Nov. 28, 2006, deleted § 82-6 in its entirety. Former § 82-6 pertained to street light districts and derived from Code 1978, § 4-1006.

## Chapter 86 TAXATION[[36]](#footnote-36)

### ARTICLE I. IN GENERAL

Sec. 86-1. Acceptance of checks by the tax commissioner.

(a) Pursuant to O.C.G.A. § 48-5-146, the county tax commissioner is hereby authorized to receive, in payment of any taxes, fees, interest or like payment due that office, any personal, company, certified, treasurer's or cashier's checks, or bank, postal or express money orders; provided those payments are accepted only under the conditions set out in this section.

(b) Payment pursuant to this section shall be accepted only after the presentation by the taxpayer of adequate proof of the taxpayer's identity and address to the tax commissioner or a designee thereof.

(c) A proportional deduction shall be made by the tax commissioner in any tax or fee payment to each appropriate government agency for any check or other payment accepted under this section and returned to the tax commissioner unpaid or dishonored for any reason; provided the tax commissioner has tendered a written demand for payment by certified mail to the taxpayer's last known address within 30 days of notification that the check or payment would not be honored and, provided further, the tax commissioner initiates, within 40 days of the demand being mailed, at least one of the rights and remedies against the taxpayer allowed by law for the enforcement of the payment of those taxes or fees if the payment was not made within 20 days of the demand being mailed.

(d) Failure to follow the procedures set out in this section shall result in the tax commissioner's being personally liable for the acceptance of any check or payment returned dishonored for any reason.

(Code 1978, § 3-2001)

Sec. 86-2. Manufactured home registration for tax purposes.

(a) As used in this section, the term "manufactured home" means a manufactured home or mobile home as such terms are defined in O.C.G.A. § 8-2-131, provided, however, that those manufactured homes or mobile homes which qualify the taxpayer for homestead exemption under state law shall not be subject to the provisions of this section.

(b) Each year every owner of a manufactured home in the county, subject to taxation under the provisions of O.C.G.A. § 48-5-440 et seq., shall obtain from the tax commissioner of the county a manufactured home location permit. This permit shall be applied for and obtained at the time the owner returns his manufactured home for taxation or on May 1, whichever occurs first. The issuance of the permit by the tax commissioner shall be evidenced by the issuance of a decal, which shall reflect the county of issuance and the calendar year for which the permit is issued. The decal shall be promptly attached and displayed on the manufactured home by the owner. Failure to attach and display the decal shall constitute a misdemeanor charge and, upon conviction thereof, shall be punished as provided in section 1-11.

(c) Except as provided for those manufactured homes specifically excluded from the force and effect of this section, it shall be a condition precedent to issuance of any permit required by this section that the owner of the manufactured home shall submit to the tax commissioner proof that all applicable state, county and municipal ad valorem taxes have in fact been paid, together with all applicable permit fees as provided for in this section.

(d) Each application for a permit required by this section shall be accompanied by a fee of $3.00 which shall be paid to the tax commissioner before the permit shall be issued. All permit fees collected by the tax commissioner under the provisions of this section shall be paid into the county treasury no later than the end of the calendar month beginning not less than ten days after the collection of the fee.

(e) The tax commissioner is hereby authorized and empowered, subject to the specific provisions of this section and the laws of this state, to prescribe application, permit and decal forms and thereafter to alter and change the application, permit and decal forms; and the tax commissioner is empowered to require that applicants furnish such information in writing as may be reasonably required to effectuate the purposes of this section.

(f) The issuance of any permit under the provisions of this section shall in no way be construed as superseding or signifying compliance by the owner of the manufactured home with requirements for the location of manufactured homes as the requirements may be prescribed with an appropriate resolution or other actions of the Conyers-Rockdale County Planning Commission nor shall the issuance of any permit under this section in any way preclude or estop the governing authority of the county or its authorized agent from enforcing all applicable manufactured home and zoning ordinances and regulations of the county.

(g) The tax commissioner shall issue with each location permit and decal as prescribed in this section a written notice to the recipient of the permit that the county preserves its rights to enforce all applicable manufactured home zoning ordinances and regulations.

(h) All wholesale and retail dealers of manufactured homes doing business in the county shall return their inventory on the first workday of each calendar year to the tax commissioner's office. This return shall consist of a list of all manufactured homes in their possession and located within the county on January 1 of that year. The list shall show the identification numbers of each manufactured home along with a physical description of the manufactured home descriptive enough to allow the value to be determined and therefore assessed. The tax commissioner shall determine the tax due on each dealer manufactured home, which shall be due and payable on or before May 1 of the calendar year.

(i) Unless specifically exempted in this section, no person shall own or have located within the limits of the county any manufactured home unless application for a permit shall have been made and a permit received as provided by this section. Failure to have a permit as required by this chapter shall be a violation of this Code, for which the penalty shall be as provided in section 1-11.

(Code 1978, § 3-1001; Ord. No. 0-2000-47, § 21, 12-30-2002)

Secs. 86-3—86-30. Reserved.

### ARTICLE II. OCCUPATION TAX[[37]](#footnote-37)

Sec. 86-31. Definitions.

(a) Wherever the term "county" is used in this article, it shall be construed to mean Rockdale County, Georgia.

(b) As used in this article, the following words and terms shall have the meanings respectively ascribed:

*Administrative fee* means a component of an occupation tax which approximates the reasonable cost of handling and processing the occupation tax.

*Business license* means that license issued pursuant to the regulations set forth in chapter 22, article II.

*Dominant line* means the type of business from which the greatest amount of income is derived.

*Employee* means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form IRS W-2 but not a form IRS 1099.

*Location* and *office* mean any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office.

*Occupation tax* means a tax levied for revenue raising purposes on persons, partnerships, corporations, or other entities for engaging in an occupation, profession, or business.

*Person* means natural persons as well as sole proprietors, corporations, partnerships, nonprofits, or any other form of business organization.

*Practitioner of profession or occupation* means one who by state law requires state licensure regulating such profession or occupation. The term "practitioner of profession or occupation" shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

*Regulatory fees* means payments, whether designated as license fees, permit fees, or by another name, which are required by the county as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business, but excluding impact fees imposed pursuant to O.C.G.A. § 36-71-2 and other costs or conditions of zoning or land development.

(Code 1978, § 3-2034)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 86-32. Occupation tax required.

Each person engaged in any business, trade, profession, or occupation in the county or in the case of an out-of-state business with no location in this state exerting substantial efforts within the county pursuant to O.C.G.A. § 48-13-7, shall apply for and pay an occupation tax for such business, trade, professional or occupation in accordance with the provisions of this article.

(Code 1978, § 3-2031)

State law reference(s)—Tax on sale of distilled spirits, O.C.G.A. § 3-4-80; specific, business and occupation taxes, O.C.G.A. § 48-13-1 et seq.

Sec. 86-33. Purpose and scope.

The occupation tax levied in this article is imposed for revenue purposes only and not regulatory purposes. The occupation tax applies to those businesses and occupations covered by the provisions of O.C.G.A. §§ 48-13-5—48-13-28. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.

(Code 1978, § 3-2032)

Sec. 86-34. License displayed.

A business license issued by the county demonstrating compliance with the provisions of this article and payment of applicable occupation taxes shall be conspicuously displayed in the place of business if the taxpayer has a permanent business location in the county. If the taxpayer has no permanent business location in the county, such business license shall be shown to the director of the department of public services and engineering or his designee or to any sheriff's deputy of the county upon request.

(Code 1978, § 3-2033)

Sec. 86-35. Administrative and regulatory fee structure.

(a) A nonprorated, nonrefundable administrative fee of $25.00 shall be required on all occupation tax accounts for the initial startup, renewal, amendments, reprinting of a business license, or reopening of those accounts.

(b) A nonprorated, nonrefundable administrative fee of $10.00 shall be required on all non-profit organizations for the initial startup, renewal, amendments, reprinting of registration certificate, or reopening of those accounts.

(c) Regulatory fees imposed under O.C.G.A. § 48-13-8 and 48-13-9 on applicable businesses, professions and occupations shall be elsewhere set forth in this Code.

(Code 1978, § 3-2035; Ord. No. 1997-19, § 1, 12-9-1997; Ord. No. 0-2010-09, § 4, 5-25-2010; Ord. No. 0-2016-09, § I, 9-27-2016)

Sec. 86-36. Occupation tax levied; schedule and restrictions.

(a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one or more locations or offices in the unincorporated part of the county, and upon applicable out-of-state businesses with no location or office in the state pursuant to O.C.G.A. § 48-13-7, based upon the number of employees of the business or practitioner computed on a full-time position basis or full-time position equivalent basis. For purposes of this computation, an employee who works 40 hours or more weekly shall be considered a full-time employee. The average weekly hours of employees who work less than 40 hours weekly shall be added and such sum shall be divided by 40 to produce full-time position equivalents.

(b) The tax rate determined by the number of employees for each business, trade, profession, or occupation is as follows and may be developed and updated from time to time by the county:

|  |  |
| --- | --- |
| Employees | Tax Liability |
| 1 | $ 75.00 |
| 2 | 112.50 |
| 3 | 147.50 |
| 4 | 180.00 |
| 5 | 210.00 |
| 6 | 237.50 |
| 7 | 262.50 |
| 8 | 285.00 |
| 9 | 305.00 |
| 10—99 | 305.00 + 18.50 per employee over 9 |
| Over 99 | 1,970.00 + 15.00 per employee over 99 up to a maximum of $3,000.00 total tax liability |

(c) No business or practitioner shall be required to pay more than one occupation tax for each of its locations.

(d) No occupation tax shall be required from those real estate brokers, real estate agents, or real estate companies the offices of which are located outside the county.

(Code 1978, § 3-2036)

Sec. 86-37. Businesses with no location in the state.

Registration and assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state if the business's largest dollar volume of business in the state is in the county and the business or practitioner has one or more employees who exert substantial efforts within the jurisdiction of the county for the purpose of soliciting business or serving customers or clients.

(Code 1978, § 3-2037)

Sec. 86-38. Line of business to be identified.

The occupation tax application and business license of each business operated in the county shall identify the dominant line of business that the business conducts.

(Code 1978, § 3-2038)

Sec. 86-39. Multiple locations in the county.

Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of occupation tax.

(Code 1978, § 3-2039)

Sec. 86-40. Practitioners of state-regulated professions.

Practitioners of professions described in O.C.G.A. § 48-13-9(c)(1)—(18) shall elect as their entire occupation tax one of the following:

(1) The occupation tax based on the number of employees; or

(2) A fee of $400.00 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location; provided, however, that a practitioner paying according to this subsection shall not be required to provide information to the county relating to the gross receipts of the business or practitioner. The per practitioner fee applies to each person in the business who qualifies as a practitioner under the state's regulatory guidelines and framework. This election is to be made on an annual basis and must be done by January 1 of each year.

(Code 1978, § 3-2040)

Sec. 86-41. Practitioners exclusively practicing for a government.

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, instrumentalities of the United States, the state, or a municipality or county of the state shall not be required to pay an occupation tax for that practice.

(Code 1978, § 3-2041)

Sec. 86-42. When tax due and payable; effect of transacting business when tax delinquent.

(a) Occupation tax pursuant to this article shall be imposed for each year as follows:

(1) An administrative fee of $10.00 shall be imposed. A business license shall be issued upon payment of such tax and administrative fee and full compliance with chapter 22, article II.

(2) Occupation tax and administrative fees shall be imposed for each calendar year. Such occupation tax and administrative fee shall be due and payable on January 1 of each such calendar year, and shall, if not paid by January 31 of each year, be subject to penalties for delinquency and collection as prescribed in this article.

(b) Should any occupation tax imposed pursuant to this article become delinquent, the person liable for such tax shall be liable for and pay interest at the rate of 1.5 percent per month on such delinquent tax. In addition, should any occupation tax remain delinquent for a period of 90 days from its due date, the person liable for such tax shall be liable for and pay a penalty of ten percent of the tax due.

(c) No person shall commence any new profession, trade, or calling in the county without having first applied for and paid the occupation tax and administrative fee pursuant to this article. Any person commencing a new business after January 1 but prior to July 1 in any year shall pay 100 percent of the tax that would have been imposed for the entire year, plus the yearly administrative fee. When any person commences business on or after July 1 in any year, the business or occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year, except that:

(1) Local governments which tax according to the criterion described in O.C.G.A. § 48-13-10(a)(3) are authorized to levy their customary rate on the gross receipts of the business or practitioner from the commencement of the business;

(2) The administrative fee authorized as a component of an occupation tax by O.C.G.A. § 48-13-10(e) shall not be reduced; and

(3) A practitioner of a profession or occupation who elects as his occupation tax the amount described in O.C.G.A. § 48-13-10(g)(3) shall receive no reduction in such amount. Such tax shall be delinquent if not obtained 30 days following the commencement of the business and interest at the rate of 1.5 percent per month on such delinquent tax shall be imposed. In addition, should such tax remain due and unpaid for 90 days from such due date, a penalty of ten percent of such delinquent tax shall apply.

(d) Application for business licenses and payment of occupation taxes pursuant to this article shall be administrated by the department of public services and engineering. Applications shall be made on forms provided by such department and shall include all required information. Businesses and practitioners of professions and occupations doing business in the county shall provide as a part of such application the site of any location or office and payment of occupation taxes or regulatory fees to other local governments. Business licenses shall be issued by the department of public services and engineering following proper application, payment of taxes and fees, and full compliance with this article, chapter 22, article II, and all other applicable Code requirements. If any person, firm, or corporation whose duty it is to pay occupation tax shall, after such occupation tax becomes delinquent, transact or offer to transact, in the county, any profession, trade, or calling subject to this article without having first paid such occupation tax and obtained the appropriate business license, such offender shall, upon conviction in the county magistrate court, be punished as provided in section 1-11. Such punishment shall be in addition to all other remedies provided by this article and chapter 22, article II.

(e) In addition to the remedies in this section, the sheriff may proceed to collect delinquent occupation taxes and penalties associated therewith in the same manner as provided by law for tax executions.

(Code 1978, § 3-2042)

State law reference(s)—Similar provisions, O.C.G.A. § 48-13-22.

Sec. 86-43. Businesses with multiple intrastate or interstate locations.

For those businesses that have multiple locations inside and outside of the county only employees who work within the county will be counted for taxing purposes.

(Code 1978, § 3-2043)

Sec. 86-44. State registration.

(a) Each person who is licensed by the state pursuant to O.C.G.A. title 43 shall provide evidence of proper and current state licensure before a the county business license may be issued.

(b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid.

(Code 1978, § 3-2044)

Sec. 86-45. Evidence of qualification required if applicable.

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency, zoning compliance, building code compliance, additional license or permit requirements, or any other regulatory matter shall first, before the issuance of a county business license show evidence that such requirements have been met.

(Code 1978, § 3-2045)

Sec. 86-46. Liability of officers and agents; registration required; failure to obtain.

All persons subject to the occupation tax levy pursuant to this article shall be required to pay the necessary occupation tax and obtain the required business license for such business as described in this article, in section 22-31, and elsewhere in this Code, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain such license. Every person commencing business in the county shall likewise comply with this article and obtain the necessary business license before commencing the business; and any person transacting, or offering to transact in the county, any business, trade, profession, or occupation without first having so complied and obtained such required license shall be subject to the penalties provided in this article.

(Code 1978, § 3-2046)

Sec. 86-47. Revenue collection officer subpoena powers.

The county department of public services and engineering and its duly designated officers and inspectors or its successors shall be classified as deputy marshal business inspectors with full subpoena powers in conjunction with any violation pertaining to this article.

(Code 1978, § 3-2047)

Sec. 86-48. Businesses not covered by this article.

The following businesses are not covered by the provisions of this article but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the state or by local law:

(1) Those businesses regulated by the state public service commission.

(2) Those electrical service businesses organized under O.C.G.A. § 46-3-1 et seq.

(3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.

(4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.

(5) Insurance companies governed by O.C.G.A. § 33-8-8 et seq.

(6) Motor common or contract carriers governed by O.C.G.A. § 46-7-15.

(7) Those businesses governed by O.C.G.A. § 48-5-355. (Businesses that purchase carload lots of guano, meats, meal, flour, bran, cottonseed, or cottonseed meal and hulls.)

(8) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.

(9) Depository financial institutions governed by O.C.G.A. § 48-6-93.

(10) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.

(Code 1978, § 3-2048)

Sec. 86-49. Occupation tax inapplicable where prohibited by law.

An occupation tax shall not apply to employees of any part of a business when such levy is prohibited or exempted by the laws of the state or of the United States.

(Code 1978, § 3-2049)

Sec. 86-50. More than one place of business.

Where a business is operated at more than one place, such business shall be required to obtain the necessary license for each location and pay an occupation tax in accordance with this article for each location.

(Code 1978, § 3-2050)

Sec. 86-51. Returns confidential.

Except as allowed in O.C.G.A. § 48-13-15(c), it shall be unlawful for any officer, employee, agent or clerk of the county to divulge or make known in any manner information on gross receipts received by a business or practitioner of an occupation or profession provided to the county for the purpose of determining the amount of occupation tax for the business or practitioner. Pursuant to state law such information shall be deemed confidential and exempt from disclosure as a public record. Independent auditors or bookkeepers employed by the county shall be classed as "employees" for purposes of this section. Nothing in this article shall be construed to prohibit the publication by county officials of statistics, so classified as to prevent the identification of particular reports or returns and items hereof; or the inspection of the records by duly qualified employees of the tax departments of the state, the United States and other local governments.

(Code 1978, § 3-2051)

Sec. 86-52. Inspections of books and records.

(a) The county department of public services and engineering, through its officers, agents, employees, or representatives, may inspect the books of the business for which the returns are made. The director of the department of public services and engineering or his designee shall have the right to inspect the books or records for the business of which the return was made in the county and upon demand of the revenue collection officer such books or records shall be submitted for inspection by a representative of the county within 30 days. Failure of submission of such books or records within 30 days shall be grounds for revocation of the business license currently existing to do business in the county. Adequate records shall be kept in the county for examination by the revenue collection officer at that officer's discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of 125 percent of the prime interest rate times the amount deficient will be assessed for the period delinquent. For purposes of this section, the prime interest rate shall be that which is published by The Wall Street Journal on the first business day of the year in which the underreporting is identified.

(b) Each business is required to allow the county to inspect its state department of revenue Form ST-3 for the past 24 months for the purposes of allowing the county to determine:

(1) If Form ST-3 properly lists the county as the location of the store; and

(2) The amount of local option sales tax and special location sales taxes being remitted to the state department of revenue.

At the request of the county, inspection shall be on demand at reasonable times. If the business is owned by a corporation headquartered outside of the county, the business shall have not more than 15 working days to produce the form to the county.

(Code 1978, § 3-2052; Ord. No. 0-1998-21, § 1, 11-25-1998)

Sec. 86-53. Business license to be revoked for failure to pay tax, file returns, permit inspection of books.

The failure of any business to pay the occupation tax or any part thereof before it becomes delinquent, or failure to make any of such returns or applications within the time required in this article, or failure to make a true return, or providing false information in the application or return, or failure to amend an application or return to set forth the truth, or failure to permit inspection of its books as provided in section 86-52, shall constitute grounds for immediate suspension or revocation of any occupation tax receipt or business license granted by the county under this article or chapter 22, article II, permitting the owner of such business to do business for the current year. Business license suspensions and revocations shall be governed by chapter 22, article II, and the failure to comply with this article and pay all required occupation taxes shall constitute grounds for suspension or revocation thereunder. No business license shall be granted by the county for the operation of a business for which any part of the occupation tax provided for in this article is at that time unpaid, or to an individual, firm, or corporation who has failed to submit adequate records as requested by the director of the department of public services and engineering or his designee in accordance with the provisions of this article. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the local government in the case of delinquent occupation tax.

(Code 1978, § 3-2053)

Sec. 86-54. Effect of failure to comply with article provisions; continuing in business after tax registration revocation.

Any persons, their managers, agents, or employees, who do business in the county after the license for such business has been revoked as provided in section 86-53, or who are hereby required to pay occupation tax, and who fail to pay such tax within the time and in the manner provided in this article, who refuse to amend such returns so as to set forth the truth, or who shall make false returns; and any persons, their managers, agents, or employees who refuse to permit an inspection of books in their charge when the officers, agents, employees, or representatives of the county request such inspection, during business hours, for the purpose of determining the accuracy of the returns provided for in this article, shall be subject to penalties provided in this article. In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the local government in the case of delinquent occupation tax. These penalties may consist of either a percentage of the amount due or a flat fee fine.

(Code 1978, § 3-2054)

Sec. 86-55. Amendment, repeal of provisions.

This article shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the board of commissioners to assess and collect any of the taxes or other charges prescribed. Such amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the jurisdiction of additional occupation taxes upon the same person, property, or business.

(Code 1978, § 3-2055)

Sec. 86-56. Option to establish exemption or reduction in occupation tax.

The board of commissioners may by subsequent ordinance provide for an exemption or reduction in occupation tax or provide for a credit against occupation tax owed by one or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting, encouraging or maintaining selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious, and shall comply with the provisions of O.C.G.A. § 48-13-10.

(Code 1978, § 3-2056)

Sec. 86-57. Application of provisions to prior ordinance.

This article does not repeal or affect the force of any part of any ordinance heretofore passed when taxes levied under such prior ordinance have not been paid in full. The parts of ordinances heretofore and hereafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax or for failure to pay regulatory fees provided for in such ordinance or ordinances, or failure to comply with any other provisions of this article, shall continue and remain in force until such tax, regulatory fee, or assessment shall be fully paid.

(Code 1978, § 3-2057)

Sec. 86-58. Provisions to remain in full force and effect until charged by governing body.

This article shall remain in full force and effect until changed by amendment adopted by the board of commissioners. All provisions of this article related to any form of tax levied in this article shall remain in full force and effect until such taxes have been paid in full.

(Code 1978, § 3-2058)

Sec. 86-59. Requirements of public hearing.

(a) The board of commissioners shall conduct at least one public hearing before adopting any ordinance or resolution regarding the occupation tax as set forth in this article.

(b) In any year in which revenue from occupation taxes is greater than revenue from occupation taxes for the preceding year, the board of commissioners shall conduct at least one public hearing as a part of the process of determining how to use the additional revenue.

(Code 1978, § 3-2059)

Sec. 86-60. Conflicts between specific and general provisions.

When there is an apparent conflict in this article between specific and general provisions, it is the intention hereof that the specific shall control.

(Code 1978, § 3-2060)

Sec. 86-61. Other provisions.

The provisions of this article for application and payment of occupation tax shall be in addition to those regulations governing the issuance and revocation of business licenses generally in chapter 22, article II.

(Code 1978, § 3-2061)

Secs. 86-62—86-90. Reserved.

### ARTICLE III. HOTEL/MOTEL OCCUPANCY TAX[[38]](#footnote-38)

Sec. 86-91. Definitions.

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

*County* means all areas within the geographical borders of the county.

*Guestroom* means a room occupied, or intended, arranged or designed for occupancy, by one or more occupants.

*Hotel* means any structure or any portion of a structure, including any lodginghouse, roominghouse, dormitory, turkish bath, bachelor hotel, studio hotel, motel, auto court, inn, public club or private club, containing guestrooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor or otherwise. The term "hotel" does not include any jail, hospital, asylum sanitarium, orphanage, prison, detention or other buildings in which human beings are housed or detained under legal restraint.

*Occupancy* means the use or possession, or the right to the use or possession, of any room or apartment in a hotel or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

*Occupant* means any person who, for a consideration, uses, possesses or has the right to use or possess any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise. However, the term "occupant" shall not include state or local government officials or employees when traveling on official business, and who occupy rooms in any hotel as defined in this article for a period of five or more consecutive days.

*Operator* means any person operating a hotel in the county, including but not limited to the owner or proprietor of these premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating that hotel.

*Permanent resident* means any occupant as of a given date who has or shall have occupied, or has or shall have the right of occupancy, of any guestroom in a hotel for at least ten consecutive days next preceding that date.

*Person* means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or other group or combination acting as a unit excepting the United States of America, the state and any political subdivision of either thereof upon which the county is without power to impose the tax provided in this article.

*Quarterly period* means the quarter of any year as follows: The first quarter being composed of the months of January, February and March; the second quarter being the months of April, May and June; the third quarter being the months of July, August and September; and the fourth quarter being the months of October, November and December.

*Rent* means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom.

*Return* means any return filed or required to be filed as provided in this article.

*Tax* means the tax imposed by this article.

(Code 1978, § 3-2066)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 86-92. Imposition and rate of tax.

There is hereby levied and assessed and there shall be paid a tax of five percent of the rent for every occupancy of a guestroom in a hotel in the county.

(Code 1978, § 3-2067)

Sec. 86-93. Persons liable for tax; extinguishment of liability.

Every person occupying a guestroom in a hotel in this county is liable for the tax. The liability of such person is not extinguished until the tax has been paid to the county except that a receipt from an operator maintaining a place of business in this county or from an operator who is authorized by the finance director, under such rules and regulations as he may prescribe, to collect the tax and who is, for the purposes of this article, regarded as an operator, maintaining a place of business in this county, which receipt is given to the occupant pursuant to section 86-94, is sufficient to relieve the occupant from further liability for the tax to which the receipt refers.

(Code 1978, § 3-2068)

Sec. 86-94. Collection of tax by operator, receipt of occupant; rules for collection schedules.

Every operator maintaining a place of business in the county as provided in section 86-91, and renting guestrooms in the county, not exempted under section 86-96 shall, at the time of collecting the rent from the occupant, and on demand give the occupant a receipt therefor. In all cases of transactions upon credit or deferred payment, the payment of tax to the operator may be deferred in accordance therewith, and the operator shall be liable therefor at the time and to the extent that these credits are incurred in accordance with the rate of tax owing on the amount thereof. The finance director shall have the power to adopt rules and regulations prescribing methods and schedules for the collection and payment of tax.

(Code 1978, § 3-2069)

Sec. 86-95. Unlawful advertising regarding tax.

It is unlawful for any operator to advertise or hold out or state to the public or to any guest, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rental of the guestroom, or that, if added, it or any part thereof will be refunded.

(Code 1978, § 3-2070)

Sec. 86-96. Exemptions.

No tax shall be imposed under this article:

(1) Upon a permanent resident;

(2) Upon a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or

(3) Upon any person exempted by law.

(Code 1978, § 3-2071)

Sec. 86-97. Registration of operator, form and contents; execution; certificate of authority.

(a) Every person engaging or about to engage in business as an operator of a hotel in the county shall immediately register with the finance director on a form provided by the director. This registration shall set forth the name under which the person transacts business or intends to transact business, the location of his place or places of business and such other information to facilitate the collection of the tax as the finance director may require. The registration shall be signed by the owner if a natural person; in case of an association or partnership, by a member or partner; and in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the registration. The finance director shall, after this registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant. A separate registration shall be required for each place of business of an operator. Each certificate shall state the name and location of the business to which it is applicable and shall be prominently displayed therein so as to be seen and come readily to the notice of all occupants and persons seeking occupancy. This certificate shall be nonassignable and nontransferable and shall be returned immediately to the finance director upon the cessation of business at the location named or upon the sale or transfer of the business at that location.

(b) If the finance director deems it necessary in order to facilitate initial registration under this article of persons engaged in business or prior to the date of imposition of tax as set forth in this article, he may prescribe provisions therefor other than those provided in this section. Those provisions shall be made to effect the purposes of this article. For those purposes, those provisions shall be in lieu of those provided in this article. The registration and the certificate thereof shall have the same effect as that provided in this article.

(Code 1978, § 3-2072)

Sec. 86-98. Determinations, returns and payments.

(a) *Due date of taxes.* The tax shall become due and payable from the occupant at the time of occupancy of any hotel in this county. All amounts of these taxes collected by any operator are due and payable to the finance director quarterly on or before the last day of the months of April, July, October and January next succeeding each respective quarterly period as set forth in section 86-91.

(b) *Return; time of filing; persons required to file; execution.* On or before the last day of the month following each quarterly period, a return for the preceding quarterly period shall be filed with the director, in such form as he may prescribe, by every operator and by every person liable to payment of tax under this article during that quarterly period who has not paid the tax, and made return in regard to the related occupation which is the subject of the tax.

(c) *Contents of return.* All returns shall show the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the related period and such other information as required by the finance director.

(d) *Delivery of return and remittance.* The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to the revenue collector.

(e) *Collection fee allowed operators.* Each person collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if the amount due is not delinquent at the time of payment. The rate of the deduction shall be three percent of the amount due, but only if the amount due was not delinquent at the time of payment.

(f) *Extension of time for filing a return and paying tax.* For a good cause, the finance director may extend, but not to exceed one month, the time for making any return or payment of tax. No further extension of time may be granted. Any person to whom an extension of time has been granted, who makes a return and pays the tax within the period of extension, shall pay in addition to the tax, interest on the amount thereof at the rate of one percent per month, or fraction thereof, for a period of this extension to the time of return and payment.

(Code 1978, § 3-2073)

State law reference(s)—Similar provisions, O.C.G.A. § 48-13-52.

Sec. 86-99. Deficiency determinations.

(a) *Recomputation of tax; authority to make; basis of recomputation.* If the finance director is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the county by any person, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One or more than one deficiency determination may be made of the amount due for one or more than one period.

(b) *Interest on deficiency.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the 15th day after the close of the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

(c) *Offsetting of overpayments.* In making a determination, the finance director may offset overpayments for a period or periods against underpayments for another period or periods, against penalties and against the interest on underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (b) of this section.

(d) *Penalty; negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to negligence or disregard of this article or other authorized rules and regulations, a penalty of 15 percent of the amount of this deficiency shall be added thereto.

(e) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination is made due to fraud or an intent to evade any provisions of this article or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added thereto.

(f) *Notice of finance director's determination; service.* The finance director, or his designated representative, shall give to the operator written notice of his determination. The notice may be served personally or by certified mail. If by mail, the notice shall be addressed to the operator at his address as it appears in the records of the finance director. In case of service by certified mail of any notice required by this article, the service is complete at the time of deposit in the United States post office.

(g) *Time within which notice of deficiency determination to be mailed.* Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 15th day of the calendar month following the quarterly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period should last expire.

(Code 1978, § 3-2074)

Sec. 86-100. Determination if no return made.

(a) *Estimate of gross receipts.* If any person fails to make a return, the finance director shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total rentals in this county which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is in the finance director's possession or may come into his possession. Upon the basis of the estimate, the finance director shall compute and determine the amount required to be paid the county, adding to the sum thus arrived at a penalty equal to 15 percent thereof. One or more determinations may be made for one or more than one period.

(b) *Manner of computation; offsets; interest.* In making a determination, the finance director may offset overpayments for a period or penalties, and against the interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) of this section.

(c) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the last day of the month following the close of the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

(d) *Penalty for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this article or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 15 percent penalty provided in section 86-101.

(e) *Giving of notice; manner of service.* Promptly after making this determination, the finance director shall give to the person written notice to be served personally or by certified mail in the manner prescribed for service of notice of a deficiency determination.

(Code 1978, § 3-2075)

Sec. 86-101. Penalties and interest for failure to pay tax.

Any person who fails to pay any tax to the county or any amount of tax required to be collected and paid to the county within the time required shall pay a penalty of 15 percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest on the unpaid tax or any portion thereof as set forth in section 86-99(b) or 86-100(c).

(Code 1978, § 3-2076)

Sec. 86-102. Collection of tax.

(a) *Security, finance director may exact; amount of sale; notice of sale; return of surplus.* The finance director, whenever he deems it necessary to ensure compliance with this article, may require any person subject thereto to deposit with him such security as the director may determine. The amount of the security shall be fixed by the finance director, but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such a manner as the director deems proper, or $10,000.00, whichever amount is the lesser. The amount of the security may be increased by the finance director subject to the limitations provided in this article. The finance director may sell the security at public auction, with the approval of the board of commissioners, if it becomes necessary to do so in order to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by certified mail; if by certified mail, service shall be addressed to the person at his address as it appears in the records of the finance director. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

(b) *Notice of delinquency to persons holding credits or property of delinquent; time for; duty of persons so notified.* If any person is delinquent in the payment of the amount required to be paid by him, or if a determination has been made against him which remains unpaid, the finance director may, not later than three years after the payment became delinquent, give notice thereof by registered mail to all persons in the county having in their possession or under their control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property or debts in their possession or under their control at the time they receive the notice until the finance director consents to a transfer or disposition or until 20 days elapse after the receipt of the notice, advise the finance director of all these credits, other personal property, or debts in their possession, under their control or owing by them.

(c) *Action for tax; time for.* At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the finance director may bring an action in the courts of this state, or any other state or of the United States in the name of the county to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

(d) *Duty of successors or assignees of operator to withhold tax from purchase money.* If any operator liable for any amount under this article sells out his business or quits the business, his successors or assigns shall withhold a sufficient amount of the purchase price to cover this amount until the former owner produces a receipt from the finance director showing that he has been paid or a certificate stating that no amount is due.

(e) *Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability.* If the purchaser of a business fails to withhold an amount of the purchase price as required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the finance director shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the director of the amount that must be paid as a condition of issuing the certificate. Failure of the director to mail the notice will release the purchaser from any further obligation to withhold the purchase price as provided in this subsection. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs later.

(f) *Refund of tax, penalty or interest paid more than once or erroneously or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the county under this article, it may be refunded provided a verified claim in writing therefor, stating the specific grounds upon which the claim is founded, is filed with the finance director within three years from the date of payment. The claim shall be audited and shall be made on forms provided by the finance director. If the claim is approved by the finance director and the board of commissioners, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid; and the balance may be refunded to this person, his administrators or executors.

(Code 1978, § 3-2077)

Sec. 86-103. Administration of article.

(a) *Authority of finance director.* The finance director shall administer and enforce the provisions of this article.

(b) *Rules and regulations.* The finance director shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the county and the state, or the constitution of this state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes under this article.

(c) *Records required from operators; form.* Every operator renting guestrooms in the county shall keep such records, receipts, invoices and other pertinent papers in such form as the finance director may require.

(d) *Examination of records; audits.* The finance director or any person authorized in writing by him may, at reasonable times, examine the books, papers, records, financial reports, equipment and other facilities of any person renting guestrooms and any person liable for the tax and may investigate the character of the business of the person in order to verify the accuracy of any return made, or if no return is made by the person, to ascertain and determine the amount required to be paid.

(e) *Authority to require reports; contents.* In administration of the tax, the director may require the filing of reports by any person or class of persons having in his or their possession or custody information relating to rentals of guestrooms which are subject to the tax. The reports shall be filed with the finance director when he requires and shall set forth the rental charged for each occupancy, the date or dates of occupancy and such other information as the director may require.

(f) *Disclosure of business of operators; limitation on rule.* The finance director or any person having an administrative duty under this article shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any operator or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses or expenditures, or any particulars thereof, set forth or disclosed in any return, or permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having that administrative duty under this article. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

(Code 1978, § 3-2078)

Sec. 86-104. Applicability.

This article shall not apply to any person as to whom, or to any occupancy as to which, it is beyond the power of the board of commissioners to impose the tax. This article specifically shall not apply to any person not licensed by or required to be licensed by the county for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin or any other place in which rooms, lodging or accommodations are regularly furnished for value.

(Code 1978, § 3-2079)

Sec. 86-105. Penalty for fraudulent returns, reports.

Any operator or other person who fails to register as required in this article, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the finance director, or who renders a false or fraudulent return, is guilty of and punishable for a misdemeanor. Any person required to make, render, sign or verify any report who makes any false or fraudulent report, with intent to defeat or evade the determination of an amount due required by this article to be made, is guilty of and punishable for a misdemeanor.

(Code 1978, § 3-2080)

Sec. 86-106. How funds used.

The proceeds of this tax shall be used in accordance with O.C.G.A. § 48-13-51(a)(4.6)(A). The finance director shall maintain a separate accounting of the proceeds generated under this article.

(Code 1978, § 3-2081; Ord. No. 2006-33, § 1, 12-21-2006)

## Chapter 90 TELECOMMUNICATIONS[[39]](#footnote-39)

### ARTICLE I. IN GENERAL

Secs. 90-1—90-30. Reserved.

### ARTICLE II. COMMUNITY ANTENNA TELEVISION SYSTEMS

Sec. 90-31. Definitions.

The definitions used in section 86-31 shall likewise apply to this part of this article. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Access channels* means those channels on the CATV system which are reserved for carriage of program material provided by persons other than the operator, including the channel or channels used for public, educational, government and leased access as required in this article or by the FCC.

*Applicant* means any person submitting an application to the county for a franchise to operate a CATV system under the terms and conditions set forth by the county board of commissioners.

*Board* means the present governing body of the county or any successor to the legislative powers of the present county board of commissioners.

*CATV* means community antenna television.

*Chairperson* means the existing or any succeeding chief administrative officer of the county, or his designee.

*Channel* means a band of frequencies, six megahertz wide in the electromagnetic spectrum which is capable of carrying either one audio-video television signal and a number of nonvideo signals or several thousand nonvideo signals.

*Commercial subscriber* means a purchaser of any service delivered over the system who or which is not a residential subscriber.

*Community antenna television system (CATV system)* means any facility which operates for hire the service of receiving and amplifying programs broadcast by one or more television and/or radio stations and any other programs and telecommunications services of any type, including audio, video or data originated by a cable television company or by another party, and distributing these programs and services by wire, cable, microwave or other means, whether these means are owned or leased, to persons who subscribe to this service. This definition does not include:

(1) Any system with fewer than 50 subscribers; or

(2) Any master antenna television system.

*County* means the County of Rockdale, a political subdivision of the State of Georgia.

*FCC* means the Federal Communications Commission.

*Federal Communications Commission* means that agency as presently constituted by the United States Congress or any successor agency.

*Franchise* means an initial authorization or renewal thereof authorizing the construction and operation of a CATV system.

*Grantee* and *franchisee* mean the person to whom or to which a franchise is granted by the county board of commissioners under this article or anyone who succeeds the person in accordance with the provisions of the franchise.

*Grantee channels* means the channels on the system which are reserved for programming offered or originated by the grantee in accordance with the FCC television signal retransmission and/or cablecasting rules and regulations.

*Gross subscriber revenue* means all revenue derived from the monthly charges from all subscribers or users of regular CATV subscriber service.

*Master antenna television system* means any system which serves only the residents of one or more apartment dwellings under common ownership, control or management and any commercial establishment located on the premises of that apartment house and which transmits only signals broadcast over the air by stations which may be normally viewed or heard locally without objectionable interference and which does not provide any additional services over its facility.

*Pay television* means the delivery over CATV system of video signals to subscribers for a fee or charge (over and above the charge for basic service) on a per-program, per-channel or other subscription basis.

*Residential subscriber* means a purchaser of any service delivered over the system to an individual dwelling unit where the service is not to be utilized in connection with a business, trade or profession.

*Street* means the surface of and the space above and below any public street, road, highway, freeway, lane, path, public way or place, alley, court, boulevard, parkways, drive or other easement now or hereafter held by the county for the purpose of public travel and shall include other easements or rights-of-way as shall be now held or hereafter held by the county which shall, within their proper use and meaning, entitle the county and its grantee to the use thereof for the purposes of installing or transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to a CATV system.

(Code 1978, §§ 7-1001, 7-3001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 90-32. Grant of authority.

The board is hereby authorized to grant one or more franchises to construct, operate and maintain a CATV system within the county for a maximum initial period of 15 years, and may renew each franchise for a maximum period of ten years subject to the conditions and restrictions as provided in this article.

(Code 1978, § 7-3002)

Sec. 90-33. Franchise term.

The franchise granted in this article shall terminate 15 years from the date of grant, and may be renewed for successive ten-year terms, following a public proceeding affording due process, on the same terms or conditions as contained in this article, or such different or additional terms and conditions as may be lawfully specified by the board and consistent with the requirements of the FCC. These additional terms or conditions may only be adopted following notification of the franchisee seeking renewal. No person shall operate a CATV system as defined in this article in the unincorporated areas of the county without a franchise issued under the provisions of this article.

(Code 1978, § 7-3003)

Sec. 90-34. Application for CATV franchise.

(a) No CATV initial franchise shall be issued except on a written application and upon a form approved by the board.

(b) The form shall set forth any facts in detail as the board may deem appropriate including:

(1) If the applicant is an individual, partnership or unincorporated association, its statement shall contain the names and addresses of all persons (including corporations) having a proprietary or equitable interest in and to the prospective franchisee's business operation, and in and to the prospective franchisee if awarded to the proposer. The term "equitable interest" shall include all assignments for value, as well as all contingent assignments of any rights or privileges under the prospective franchise, and shall also include any benefit, payment or emolument whatsoever resulting from the grant of a franchise under this article.

(2) If the applicant is a nonpublic corporation, the statement shall furnish directors and shareholders of the corporation together with the number of shares held by each shareholder.

(3) If the applicant is a publicly held corporation, as defined by the rules and regulations of the Federal Securities and Exchange Commission, the statement shall contain the states in which incorporated and/or qualified to do business and the names and addresses of the officers and directors of the corporation.

(4) A full disclosure of the ownership of the facilities to be used in rendering the service.

(5) The source of funds for operation of the system respecting the installation and maintenance of all CATV facilities; and shall demonstrate the financial ability to provide and extend service to proposed subscribers at a reasonable cost.

(6) A detailed schedule of the facilities to be employed and the general routes of the cables used in redistributing signals, the service area or areas, the commencement and completion dates of construction of the CATV system and the proposed dates the service will be available to the area or areas named.

(7) A detailed plan of construction including proposed construction schedule and/or schedule of service for the franchise area.

(c) The board may request and the applicant shall provide such other information as the board may reasonably deem appropriate.

(d) All applications shall be open to public inspection, shall be kept on file a reasonable length of time at the discretion of the board, and any intentional misrepresentation in an application shall be grounds for the revocation and termination of the franchise. Before issuing a franchise, the county shall conduct a public hearing.

(e) All applications shall be signed and verified by the applicants whose relationship to the applicant shall be set forth and shall bind the applicant to the provisions thereof to the degree possible, consistent with FCC rules.

(Code 1978, § 7-3004)

Sec. 90-35. Franchise payment.

(a) The grantee shall pay to the county on or before the 15th of each month following initiation of service, an amount equal to five percent of the gross revenues on all cable service revenues, including but not limited to gross subscriber revenues, advertising, pay cable and leased channel revenues of the grantee derived from cable television operations in the unincorporated areas of the county during the preceding calendar month. No other fee, charge or consideration shall be imposed. The grantee shall submit to the county 90 days after the expiration of each calendar year during the period the franchise shall be in force a financial statement showing in detail the gross annual revenues, as defined in this article, of the grantee during the preceding year. The grantee shall provide a notarized affidavit as to the accuracy of this financial statement at the time of filing.

(b) If the franchise should be forfeited prior to the end of the franchise term, the grantee shall immediately submit to the county a financial statement prepared as before required, showing the gross revenues of a grantee, as defined in this article, for the time elapsed since the last period for which a grantee has paid to the county the required percentage of gross revenues, and the grantee shall pay the county not later than 30 days following the termination of the franchise, a like percentage of these revenues and any other sums legally due and owing to the county.

(c) If any payment is not made on or before the applicable date fixed in subsections (a) and (b) of this section, a penalty of ten percent of the amount due is assessed and the total sum due shall bear interest from this date at the annual rate of eight percent.

(d) The county shall have the right to inspect a grantee's records showing the gross receipts from which its franchise payments are computed and shall have the right of audit and recomputation of any and all amounts paid under the franchise. No acceptance of any payment by the county shall be construed as a release of or an accord or satisfaction of any claim the county might have for further or additional sums payable under the terms of this article or for any other performance or obligation of a grantee under this article.

(e) Payments made by a grantee to the county pursuant to the provisions of this article shall not be considered a business and occupation tax but shall be in addition to any and all other taxes or fees which are now or hereafter required to be paid by any law of the United States, the state, or the county, other than county business and occupation taxes.

(f) Only in the case of an initial franchise, a grantee shall maintain throughout the term of the franchise a faithful performance bond running in favor of the county, written by a state-approved corporate insurance surety, in surety, in a sum no less than the highest monthly franchise payment by the grantee to the county in the preceding calendar year plus ten percent thereof. Such bond shall be based initially on a reasonable estimate by the county of the highest monthly franchise payment for the initial year of operation. The amount thereof for all damages resulting from the failure of the grantee to make any payment of all fees or amounts required in this article to be paid to the county.

(Code 1978, § 7-3005)

Sec. 90-36. Insurance.

(a) At all times during the term of the franchise, the grantee shall obtain, pay all premiums for and file with the county certificates of insurance for the following:

(1) A general comprehensive public liability insurance policy indemnifying, defending and saving harmless the county, its officers, boards, commissions, agents or employees, from any and all claims by any person whatsoever on account of injury to or death of a person or persons occasioned by the operations of a grantee under a franchise granted under this article or alleged to have been so caused or occurred with a minimum liability of $500,000.00 per personal injury or death of any one person and $500,000.00 for personal injury or death of any two or more persons in any one occurrence.

(2) Property damage insurance indemnifying, defending and saving harmless the county, its officers, boards, commissions, agents and employees from and against all claims by any person for property damage occasioned by the operation of grantee under the franchise granted under this article or alleged to have been so caused or occurred with a minimum liability of $250,000.00 for property damage to two or more persons in any one occurrence.

(3) Two hundred fifty thousand dollars for all other types of liability. This insurance shall be kept in full force and effect by the grantee until the legal termination of this agreement including any time required to complete any required removal of poles, wires, cables, underground conduits, manholes and other conductors and fixtures incident to the maintenance and operation of the CATV system as defined in the franchise.

(b) All of the insurance contracts required in this section shall be in a form satisfactory to the board, and shall be issued and maintained by companies authorized to do business in the state, and they shall require 30 days' written notice of any cancellation to both the county and a grantee under this article, and certificate evidencing such insurance shall be filed with the board.

(Code 1978, § 7-3006)

Sec. 90-37. Indemnity.

A grantee shall at its sole cost and expense fully indemnify, defend and save harmless the county, its officers, boards, commissions and employees against any and all claims, suits, actions, liability and judgments for damage arising out of the installation, operation or maintenance of grantee's CATV system authorized under this article. The county shall give the grantee immediate written notice of any such claims, suits or actions and the grantee shall, at its option, have the right at its expense to assume the defense, including settlement, on behalf of the county or other aforementioned parties with regard to such claims, suits or actions.

(1) Damages or penalties shall include but shall not be limited to damages arising out of copyright infringement and all other damages arising out of the installation, operation or maintenance of the CATV system authorized under this article, whether or not any act or omission complained of is authorized, allowed or prohibited by the franchise.

(2) If the grantee does not assume the defense of the county, a grantee shall pay all expenses incurred by the county in defending itself with regard to all damages and penalties mentioned in subsection (1) of this section. These expenses shall include but not be limited to all out of pocket expenses such as reasonable attorney fees and all other costs of litigation.

(Code 1978, § 7-3007)

Sec. 90-38. Bonds and records of grantee.

(a) A grantee shall, upon request, file with the county chairperson a copy, true and accurate, of maps and/or plats of all existing and proposed installations upon the streets. These maps and plats shall conform to the requirements of the county chairperson and shall be kept continuously up to date.

(b) A grantee shall continually keep on file with the county a current list of its shareholders, holding over three percent of the outstanding stock, and officers with their current addresses.

(c) All books and records of a grantee concerning its operations with the county shall be made available for inspection and audit during normal business hours by the county chairperson or his designee within 30 days after any request for this inspection or audit shall be made.

(d) Copies of all rules, regulations, terms and conditions established by a grantee for the operation of a CATV system under the franchise shall be filed with the county, upon request, and at the local office of a grantee.

(Code 1978, § 7-3008)

Sec. 90-39. Rates.

The county may regulate rates for basic cable service to the extent permitted by and consistent with applicable federal law.

(Code 1978, § 7-3009)

Sec. 90-40. Conditions of street occupancy.

(a) All transmissions and distribution structures, lines and equipment erected by a grantee within the county shall be so located as to cause minimum interference with the proper use of streets, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the streets. The CATV system shall be constructed and operated in compliance with all adopted county and national construction and electrical codes and shall be kept current with new codes.

(b) Except when absolutely necessary to service a subscriber, and then only when expressly permitted in writing by the county chairperson under such conditions as he shall prescribe for the public welfare, a grantee shall not erect or authorize or permit others to erect any poles or facilities within the streets of the county for the conduct of its CATV system but shall use the existing poles and other equipment of the appropriate electrical power and telephone and other utility companies under such terms and agreements as a grantee negotiates with these companies. The county shall cooperate with a grantee in negotiating and obtaining permission to use these facilities.

(c) No poles, cables, equipment or wires for the construction, maintenance and operation of the CATV system shall be installed or the installation thereof commenced on any existing pole within the county until the proposed location, specifications and manner of installation of these poles, cables, equipment and wires shall have been set forth upon a plat or map showing the existing poles, streets, alleys or highways within the county where these installations are proposed and submitted in writing by a grantee to the county chairperson and approved thereby in writing.

(d) Should a grantee be required in the conduct of its business to locate property within the streets of the county other than property which may be attached to utility poles, then in that event, before a grantee shall install or shall permit any other person to install for grantee any of this property in the street, the nature of this property shall be disclosed to the county chairperson for his approval as to the need thereof and as to the location within the street and only installed under such conditions as the chairperson shall prescribe concerning this location or installation.

(e) Whenever the county or state shall require the relocation or reinstallation of any property of a grantee in any of the streets of the county, it shall be the obligation of a grantee upon notice of this requirement to immediately remove and relocate or reinstall any property as may be reasonably necessary to meet the requirements of the county or state. This relocation, removal or reinstallation by a grantee shall be at the sole cost of a grantee.

(f) Whenever in any place within the county all the electric and telephone utilities shall be located underground, it shall be the obligation of a grantee to locate or to cause its property to be located underground in any place within the county after a grantee shall have previously installed its property, nevertheless, a grantee shall at the same time or immediately thereafter remove and relocate its property also underground in these places. Facilities of a grantee placed underground at the property owner's request in an area where electric utilities are aerial shall be installed with the additional expense paid by the property owner.

(g) The grantee shall have the authority to trim trees overhanging the streets of the county so as to prevent the branches of these trees from coming in contact with a grantee's wires and cables. All trimming shall be done under the supervision and direction of the county and at the expense of a grantee.

(h) In case of disturbance of any street caused by a grantee, a grantee shall, at its own cost and expense and in a manner approved by the county chairperson, replace and restore this street in as good a condition as before the work involving this disturbance was done. Provided that where a cut or disturbance is made in a section of sidewalk paving, rather than replacing only the area cut, a grantee shall replace the full width of the existing walk and length of the section or sections cut, a section being determined as the area marked by expansion joints or scoring.

(i) A grantee shall maintain, repair and keep in good condition for a period of one year following this disturbance all portions of a sidewalk or street disturbed by it or its agents provided the maintenance and repairs shall be made necessary because of defective workmanship or materials supplied by grantee.

(j) A grantee shall, on the request of any person holding a building moving permit issued by the state or county, temporarily raise or lower its wires to permit the moving of the building. The expense of this temporary removal or raising or lowering of the wires shall be paid by the person requesting it and a grantee shall have the authority to require this payment in advance. A grantee shall be given not less than 48 hours' advance notice to arrange for these temporary wire changes. If there is a disagreement between a grantee and a holder of a permit, this disagreement will be resolved by the county chairperson.

(k) If at any time in case of fire or disaster in the county it shall become necessary in the judgment of the county chairperson or the fire chief to cut or move any of the wire cables, amplifiers, appliances or other fixtures of a grantee, this may be done and the repairs hereby rendered necessary shall be made by a grantee, at its own cost and expense and without charge against the county.

(l) A grantee's work, while in progress, shall be properly executed at all times with suitable barricades, flags, lights, flares or other devices as are reasonably required to protect all members of the public having occasion to use the portion of the streets involved, or adjacent property.

(Code 1978, § 7-3010)

Sec. 90-41. Initial system installation schedule.

(a) Within 30 days after the acceptance of the franchise, a grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including but not limited to any utility joint use attachment agreements, microwave carrier licenses and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems or their associated microwave transmission facilities.

(b) The grantee shall, within one year from the date a franchise is granted governing cable television operations in and for the area of the county designated by the county, extend energized trunk cable to 20 percent of its designated area and shall extend energized trunk cable to the remaining portions of its designated area within four years thereafter unless additional time is granted by the board upon request by grantee for good cause shown which shall mean not less than service along all county paved roads within the franchise area that meet the required homes per mile standard set forth in section 90-42.

(Code 1978, § 7-3011)

Sec. 90-42. System extension to new subscribers.

(a) A grantee, whenever it shall receive a request for service from at least five subscribers within 1,200 feet of its system, shall extend this system to this subscriber at no cost to the subscriber for system extension other than the usual connect fees for all subscribers. The 1,200 feet shall be measured in extension length of grantee's cable required for service located within the public way or easement and shall not include length of necessary service drop to the subscriber's home or premises. Provided, however, that should any subscriber require more than 200 feet of "drop" cable to be extended from the public way or easement to the subscriber's receiver, the grantee may charge the subscriber the actual cost of this extension over 200 feet.

(b) In addition, the board may upon complaint from any potential subscriber residing in the county order the extension of the system to this subscriber after opportunity for hearing and notice to a grantee. The board in its discretion may order this extension to any subscriber only upon reasonable contribution from the subscriber to the cost of the extension.

(Code 1978, § 7-3012)

Sec. 90-43. Type and capacity of equipment to be installed.

The applicant shall specify in its proposal the type and capacity of the equipment to be installed and a grantee shall be required to update this section of its proposal in keeping with the generally accepted standards of the industry.

(Code 1978, § 7-3013)

Sec. 90-44. Operation standards.

(a) The CATV system shall be installed and maintained in accordance with generally accepted standards of the industry to the end that the subscriber may receive the highest and most desirable form of service.

(b) In determining satisfactory compliance with the provisions of this section, the following, among other things, shall be considered:

(1) That the CATV system is installed and remains capable of using all band equipment and of passing the entire VHF and FM spectrum and that it shall have the further capability of converting UHF for distribution to subscribers on the VHF band;

(2) That the CATV system as installed is capable of transmitting and passing an entire color television signal without the introduction of material degradation of color fidelity and intelligence;

(3) That the CATV system is designed and capable of 24 hours a day continuous operation;

(4) That the CATV system is capable of and will produce a picture upon any subscriber's television screen in black and white or color (provided the subscriber's television set is capable of producing a color picture) that is undistorted and free from ghost images and accompanied by proper sound assuming the technical, standard production television set is in good repair and that the television broadcast signal transmission and its path are satisfactory. In any event, the picture produced shall be as good as the state of the art allows;

(5) That the CATV system shall transmit or distribute signals of adequate strength to produce good pictures and good sound in all television receivers of all subscribers without causing cross modulation in the cables or interference with other electrical or electronic systems;

(6) That the CATV system as installed shall have at least a 60-channel capacity;

(7) That a grantee shall provide without charge one outlet connected by a standard installation to each public office building, fire station, police station and public school that is passed by its cable upon specific request in each instance. If more than one outlet is requested at any of the locations or if the installation is a nonstandard installation, a grantee shall install at the cost of time and material only; and in no event will there be a monthly service charge at the locations for basic cable service;

(8) That a grantee shall provide at least one free dedicated noncommercial public access channel to be available on a nondiscriminatory basis;

(9) That a grantee shall provide all other free educational and governmental access channels when and as required by the Federal Communications Commission; and

(10) That the cable television system shall be installed with the capacity for two-way communication in accordance with the regulations of the FCC now in effect or which may be promulgated.

(c) A grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. These interruptions insofar as possible shall be preceded by notice and shall occur during periods of minimum use of the system.

(Code 1978, § 7-3014)

Sec. 90-45. Supervision by the county.

(a) A grantee shall construct, operate and maintain the CATV system subject to the supervision of all of the authorities of the county who have jurisdiction in these matters and in strict compliance with all laws, ordinances and departmental rules and regulations.

(b) The CATV system and all parts thereof shall be subject to the right of periodic inspection by the county.

(c) The county chairperson may from time to time issue such reasonable rules and regulations concerning the construction, operation and maintenance of the CATV system as are consistent with the provisions of this article.

(d) If at any time the powers of the board or any agency or official of the county are transferred by law to any other board, authority, agency or official, the transferee shall have the powers, rights and duties previously vested under this article or by law in the board or any agency or official of the county.

(Code 1978, § 7-3015)

Sec. 90-46. Grantee's duty to remove its properties from the public streets.

(a) Following a grantee's commencement of service through and over its CATV system, a grantee shall promptly remove from the public streets where its properties are located all or any part of the facilities so located when one or more of the following enumerated conditions occur:

(1) A grantee ceases to operate the CATV system for a continuous period of six months from the date of the occurrence;

(2) A grantee fails to construct the system as provided in this article;

(3) The franchise is terminated, not renewed or revoked pursuant to notice as provided in this article; and

(4) Any public improvement and/or at the request of the county for removal or relocation.

(b) A grantee shall be entitled to receive notice in writing from the county setting forth one or more of the occurrences enumerated in this article or any other occurrence provided for in this article and shall have a reasonable period from the date upon which the notice is received to remove these properties as required in this article.

(c) The board may, upon written application therefor by the grantee, approve the abandonment of any facilities referred to in subsection (a) of this section in place by grantee and under any terms and conditions as may be agreed to by the grantee and the board. Upon abandonment of these facilities in place, the grantee shall cause to be executed, acknowledged and delivered to the county such instruments as the county attorney shall prescribe and approve transferring and conveying the ownership of this property to the county.

(Code 1978, § 7-3016)

Sec. 90-47. Operational reports.

(a) Within six months from the acceptance date of the franchise, a grantee shall submit to the county chairperson an installation plan for the initial construction area of the county indicating the date on which a grantee expects the installation of the CATV system to be completed and available for service to subscribers in that area of the county.

(b) A grantee shall furnish the county chairperson with progress reports indicating in detail the area of construction of the CATV system. These periodic reports shall be furnished at three-month intervals, the first report to be made three months after the new construction commencement date.

(Code 1978, § 7-3017)

Sec. 90-48. Cablecasting.

The grantee shall make available public, educational and governmental access to the cable system as required in this article and/or by the Federal Communications Commission. Time shall be provided on a first come, first served basis except that a grantee shall endeavor to grant channel time to as many different persons as is practical, it being the intention of the board that this access cablecasting serve as a significant source of diversified expression. In order that there is a maximum opportunity for freedom of expression by members of the public, this programming shall be free from any control by a grantee as to program content, except as is required to protect a grantee from liability under applicable law or regulations. It is the intent of the county that its cablecasting and access requirements at all times remain consistent with the requirements of the Federal Communications Commission and the FCC rules to the extent they are applicable, are incorporated in this article by reference and shall expressly supersede any inconsistent provisions in this article. The grantee shall also make available, without charge, to the board upon the request of the board the equipment and qualified persons necessary to transmit live election results via character generator on an access channel of the grantee's system. The request for such service shall be consistent with FCC requirements and will be conducted in a manner so as not to unduly interfere with the cable television operations of the grantee.

(Code 1978, § 7-3018)

Sec. 90-49. Removal of facilities upon request.

Upon termination of service to any subscriber, a grantee shall promptly remove all of its facilities and equipment from the premises of the subscriber upon his written request. This removal shall be at no cost to the subscriber.

(Code 1978, § 7-3019)

Sec. 90-50. Emergency use of the facilities.

In the event of an emergency or disaster, a grantee shall upon request of the county chairperson make available its facilities to the county at no cost for emergency use during the period of this emergency or disaster and shall provide such personnel as necessary to properly operate under the circumstances.

(Code 1978, § 7-3020)

Sec. 90-51. Compliance with state and federal laws.

(a) A grantee shall at all times comply with all laws and regulations of the state and federal governments, of any administrative agency thereof, and if any state or federal law or regulations shall require a grantee to perform any service or shall prohibit a grantee from performing any service or shall permit a grantee to perform any service in conflict with the terms of the franchise or of any law or regulation of the county, then the superior law or regulation shall govern.

(b) A grantee shall be subject to all county ordinances and grantee shall also be subject to all applicable rules and regulations which, from time to time, may be promulgated by the Federal Communications Commission for CATV systems.

(c) If the board determines that a material provision of this article is affected by subsequent legal action, the board shall have the right to modify any of the provisions in this article to such reasonable extent as may be necessary to carry out the full intent and purpose of this article. These modifications shall only be adopted following the notice to the grantee and a full public proceeding affording due process.

(Code 1978, § 7-3021)

Sec. 90-52. Restrictions against assignment.

(a) The franchise shall not be assigned or transferred either in whole or in part or leased, sublet or mortgaged in any manner, nor shall title thereto, either legal or equitable, or any right, interest or property therein, pass to or vest in any person either by the act of a grantee or by operation of law without the consent of the board. The granting, giving or waiving of any one or more of these consents shall not render unnecessary any subsequent consent or consents.

(b) The consent or approval of the board to any assignment, lease, transfer, sublease or mortgage of the franchise shall not constitute a waiver or release of the rights of the county in and to the streets.

(c) Prior approval of the county shall be required where ownership or control of more than 50 percent of the right of control or stock interest of grantee is acquired by a person or group of persons acting in concert. By its acceptance of the franchise, a grantee specifically agrees that his acquisition occurring without prior approval of the board shall constitute a violation of this article by a grantee.

(d) Nothing in this section shall be deemed to prohibit a mortgage or pledge of the CATV system equipment or any party thereof or a leasing by a grantee from another person of the CATV system equipment or part thereof for financing purposes or otherwise.

(e) Upon receipt from the grantee of a written request for approval of any transaction subject to this section, the county shall have 120 days within which to approve or disapprove such transaction and, if no such action is taken within such 120-day period, the transaction shall be deemed approved by the county.

(Code 1978, § 7-3022; Ord. No. 0-2002-08, § 1, 3-26-2002)

Sec. 90-53. Preferential or discriminatory practices prohibited.

A grantee shall not, as to rates, charges, service facilities, rules, regulations or any other respect, make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage; provided, however, connection and service charges may be waived or modified during promotional campaigns of the grantee. Nothing in this section shall prevent grantee from taking reasonable business actions in light of a particular person's credit record or other similar circumstance.

(Code 1978, § 7-3023)

Sec. 90-54. Revocation of franchise.

(a) In addition to all of the rights and powers reserved or pertaining to the county, the county reserves as an additional and a separate and distinct power the right to terminate the franchise and all rights and privileges of a grantee under this article for any of the following reasons:

(1) A grantee shall by act or omission substantially violate any material term or condition of this article and, within 30 days following written demand by the county shall fail to effect compliance.

(2) A grantee attempts to or does practice any fraud or deceit in its conduct or relations under the franchise with the county or subscribers or potential subscribers.

(b) A grantee shall not be declared in default or be subject to any sanction under any provision of this article in any case in which performance of this provision is prevented for reasons beyond its control.

(Code 1978, § 7-3024)

Sec. 90-55. Procedures.

(a) Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the board in regard to the operations of grantee's cable television system other than as provided in subsection (c) of this section shall be taken only after 30 days' public notice of this action or proposed action is published in a local daily or weekly newspaper having general circulation in this county; a copy of this action or proposed action is served directly on grantee; and the grantee has been given an opportunity to respond in writing and/or at hearing as may be specified by the board, and general members of the public have been given an opportunity to respond or comment in writing on the action or proposed action.

(b) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom this response shall be addressed, and any other procedures as may be specified by the board. If a hearing is to be held, the public notice shall give the date and time of this hearing, whether public participation will be allowed and the procedures by which this participation will be allowed and the procedures by which this participation may be obtained. The grantee is a necessary party to any hearing conducted in regard to its operations.

(c) An informal complaint shall be submitted to the county chairperson or a designee thereof in writing and shall contain: the name and address of the complainant, the name of the cable system against which the complaint is made, and a complete statement of facts upon which the complaint is based.

(1) Upon receipt of any informal complaint, the county chairperson shall forward a copy to the system complained of or may take the question up by correspondence with the system. Within that time as may be prescribed by the chairperson, the system will be called upon to satisfy the complaint or advise the chairperson of its refusal or inability to do so. If the system satisfies the complaint, it shall so notify the chairperson in accordance with the provisions of subsection (2) of this section. The chairperson will forward a copy of the system's notice of satisfaction to the complainant. If the system refuses or is unable to satisfy the complaint, it shall so notify the chairperson, and the chairperson will forward a copy of this notice to the complainant, with a statement of the procedure to be followed to further prosecute the complaint.

(2) If a system satisfies any complaint brought to its attention by the chairperson, a statement must be filed with the chairperson setting forth when and how the complainant has been satisfied.

(3) When a complaint has not been satisfied, pursuant to subsection (1) of this section, the complainant may file a formal complaint with the board in the form and manner to be specified thereby. The complaint to the board must be filed within six months from the date of the chairperson's statement accompanying a copy of the system's notice of refusal or inability to satisfy the complaint, and the complaint to the board must make reference to the date of the complaint filed with the chairperson and that it is based on the same facts as the complaint filed with the chairperson. If no complaint is filed with the board within the six-month period, the complainant will be deemed to have abandoned his complaint, and this complaint will be deemed dismissed.

(d) All inquiries, proceedings, investigations or other actions to be taken or proposed to be taken by the board in regard to the operation of the grantee's cable television system shall take place in a timely manner. In no case shall the initiation of these actions be delayed more than 30 days from the date of a request by the grantee for the action or from the date the board formally decides that the inquiry, proceeding or investigation is to be initiated.

(Code 1978, § 7-3025)

Sec. 90-56. Grantee to have no recourse.

(a) Except as expressly provided in the franchise, a grantee under this article shall have no recourse whatsoever against the county for any loss, cost or expenses or damage arising out of the provisions or requirements of the franchise or because of the enforcement thereof by the county to grant all or any part of the franchise.

(b) A grantee expressly acknowledges that upon accepting a franchise, it does so relying upon its own investigation and understanding of the power and authority of the county to grant the franchise.

(c) A grantee by acceptance of the franchise acknowledges that it has not been induced to enter into the franchise by any understanding or promise or other statement whether verbal or written by or on behalf of the county or by any other third person concerning any term or condition of the franchise not expressed in this article.

(d) A grantee further acknowledges by acceptance of the franchise that it has carefully read the terms and conditions hereof and is willing to and does accept all of the risks of the meaning of these terms and conditions.

(Code 1978, § 7-3026)

Sec. 90-57. Failure of county to enforce the franchise; no waiver of the terms thereof.

A grantee shall not be excused from complying with any of the terms and conditions of the franchise by any failure of the county upon any one or more occasions to insist upon or to seek compliance with any terms or conditions.

(Code 1978, § 7-3027)

Sec. 90-58. Time of the essence.

Whenever the franchise shall set forth any time for any act to be performed by or on behalf of a grantee, this time shall be deemed of the essence and any failure of a grantee to perform within time allotted shall always be sufficient grounds for the county to revoke the franchise.

(Code 1978, § 7-3028)

Sec. 90-59. Grantee will not contest validity of franchise.

A grantee agrees by the acceptance of the franchise that it will not at any time set up against the county in any claim or proceeding any condition or term of the franchise as unreasonable, arbitrary or void or that the county had no power or authority to make this term or condition, but shall be required to accept the validity of the terms and conditions of the franchise in their entirety. Provided, however, that the provisions of this section shall not bar any claim or proceeding challenging the continued validity of any terms and conditions of the franchise based on applicable laws, rules or regulations adopted by the county, state or federal authorities subsequent to the effective date of the ordinance from which this article is derived.

(Code 1978, § 7-3029)

Sec. 90-60. Rights reserved to the county.

Without limitation upon the rights which the county might otherwise have, the county does hereby expressly reserve the following rights, powers and authority:

(1) To exercise its governmental powers now or hereafter to the full extent that these powers may be vested in or granted to the county;

(2) To determine through the board any question of fact relating to the meaning, terms, obligations or other factors of the franchise; and

(3) To grant additional franchises with the county to other persons for the conduct of CATV under the provisions of this article.

(Code 1978, § 7-3030)

Sec. 90-61. Employment regulations.

A grantee shall not refuse to hire or employ, nor bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of age, sex, race, creed, color or national origin.

(Code 1978, § 7-3031)

Sec. 90-62. Headend construction.

Notwithstanding any provision of this article to the contrary, a grantee must agree to commence construction of the headend equipment within six months from the date of the grant by the board of the right, privilege and franchise to construct, operate and maintain a CATV system in the county, and which headend shall be completed within 18 months from the date of the grant of the right, privilege and franchise, as provided in this article.

(Code 1978, § 7-3032)

## Chapter 94 TRAFFIC AND VEHICLES[[40]](#footnote-40)

### ARTICLE I. IN GENERAL

Sec. 94-1. Temporary traffic regulations.

In cases where traffic upon the roads of the county may become blocked or congested upon occasions of parades, at theaters and other assemblages where large numbers of vehicles are assembled, a sheriff's deputy may make temporary rules directing and regulating the traffic in these congested districts, and any person, who, after being warned of the temporary traffic regulations, shall violate them shall be guilty of an ordinance violation, and shall upon conviction be subject to section 1-11.

(Code 1978, § 8-1001; Ord. No. 2014-09, § 1, 8-12-2014)

Sec. 94-2. Vehicle cover required.

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

(Code 1978, § 8-1002)

Sec. 94-3. Traffic, speed, truck parking and other zones, signs and traffic control devices.

(a) Upon approval by resolution of the board of commissioners, the director of public services and engineering is authorized to designate and maintain by appropriate traffic control signs, markings and devices:

(1) Crosswalks at intersections where there is particular danger to pedestrians crossing the roadway;

(2) Other safety zones for pedestrians;

(3) Traffic lanes;

(4) Speed, parking, truck or other traffic control zones;

(5) Stop, yield, one-way and other directional devices; and

(6) Any other sign, marking, device or zone necessary for orderly and safe conditions on the roads and streets of the county.

(b) All traffic control signs, signals, devices and markings shall conform to specifications in the Manual on Uniform Traffic-Control Devices adopted by the state transportation board. All signs and signals required under this section for a particular purpose shall so far as practicable be uniform as to type and location throughout the county. All traffic control devices so erected and not inconsistent with the provisions of state law or this Code shall be official traffic control devices of the county.

(c) No person shall be charged with violating a traffic zone, marking, sign or other traffic control device unless appropriate signs, markings or devices are in fact operating or in existence on the streets involved.

(d) Any violation of any traffic zone, marking, sign or other traffic control device established under this section shall be a misdemeanor triable in the county probate court as a violation of state traffic laws.

(e) All traffic zones, markings, signs or other traffic control devices authorized prior to the adoption of this section shall continue in effect unless amended or changed as provided in this section.

(Code 1978, § 8-1003; Ord. No. 0-1998-2, § 1, 1-13-1998)

State law reference(s)—Magistrate court jurisdiction, O.C.G.A. § 15-10-60 et seq.; authority to post traffic control devices, O.C.G.A. § 32-6-50; obedience to traffic control devices, O.C.G.A. § 40-6-20.

Sec. 94-4. Mailbox support structures.

It shall be unlawful to erect within or adjacent to the right-of-way of any public street in unincorporated areas of the county upon which the permanent posted speed limit, not including temporary restrictions for school hours and similar circumstances, exceeds 35 miles per hour any mailbox support structure except a single wooden post not exceeding four inches by four inches in size or a single metal pole not exceeding two inches in diameter. Existing mailbox support structures which do not meet the requirements of this section may continue to be utilized; but in the event of their removal or destruction by any means, they shall be replaced only by a conforming structure.

(Ord. No. 1998-15, § 1, 6-23-1998)

Sec. 94-5. Parking not to obstruct traffic.

Whenever a sheriff's deputy finds a vehicle or a large assemblage of vehicles stopped, standing or parked upon any alley, road, street, highway or right-of-way that creates an immediate public safety hazard or would prevent public safety vehicles, which shall include, but not limited to, law enforcement, fire and EMS vehicles, from traveling on or otherwise using such alley, road, street, highway or right-of-way, the sheriff's deputy is hereby authorized:

(a) To require the driver or other person in charge of the vehicle to move the vehicle to a position off of the alley, road, street, highway or right-of-way; or

(b) To provide for the removal of the vehicle to the nearest vehicle impound or other place of safety if the owner or other person in charge of the vehicle is unable or refuses to immediately move the vehicle to a position off of the alley, road, street, highway or right-of-way; or

(c) When acting in accordance with the provisions of this subsection, a sheriff's deputy shall not be required to demonstrate that the area was properly marked with no parking signage.

(Ord. No. 2014-09, § 2, 8-12-2014)

Secs. 94-6—94-30. Reserved.

### ARTICLE II. SPEED

Sec. 94-31. Speed limits.

(a) The speed limits for on system roadways are set out in the table for on system roadways in this section and proper signage shall be erected by the state department of transportation indicating such speed limits.

(b) The speed limits for off system roadways are set out in the table for off system roadways in this section and proper signage shall be erected by the county indicating such speed limits.

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

**LIST OF ROADWAYS**  
FOR   
**ROCKDALE COUNTY**

**ON SYSTEM**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| State Route | Within the City/Town Limits of and/or School Name | From | Mile Point | To | Mile Point | Length in Miles | Speed Limit |
| 20 |  | Walton County line | 0.00 | 0.40 miles west of Eastview Drive  (W. Conyers city limits) | 8.67 | 8.67 | 45 |
| 20  \*\*\*   SCHOOL ZONE   \*\*\* | J.H. House  Elementary School | 0.07 miles north of Country Lane Way | 4.91 | 0.18 miles south of Country Lane Drive | 5.25 | 0.34 | 30 |
| 20 |  | Millers Chapel Road  (E. Conyers city limits) | 12.82 | Newton County line | 17.57 | 4.75 | 45 |
| 138 |  | Henry County line | 0.00 | 0.10 miles west of Millers Chapel Road | 8.79 | 8.79 | 50 |
| 138  \*\*\*   SCHOOL ZONE   \*\*\* | Heritage High School | 0.13 miles west of Grenade Road | 6.76 | 0.17 miles east of Granade Road | 7.06 | 0.30 | 30 |
| 138 |  | 0.10 miles west of Millers Chapel Road | 8.79 | Millers Chapel Road  (W. Conyers city limits) | 8.89 | 0.10 | 45 |
| 138 |  | S. R. 20/  (Sigman Road)  (E. Conyers city limits) | 11.98 | 0.20 miles north of S. R. 20 | 12.18 | 0.20 | 45 |
| 138 |  | 0.20 miles north of S. R. 20 | 12.18 | Newton County line | 17.72 | 5.54 | 55 |
| S.R. 138  \*\*\*   SCHOOL ZONE   \*\*\* | Hightower  Elementary School | 0.35 miles south of Hi Roc Road | 14.15 | 0.05 miles north of Hi Roc Road | 14.55 | 0.40 | 35 |
| 155 |  | Henry County line | 0.00 | Henry County line | 3.62 | 3.62 | 55 |
| 162 |  | Newton County line | 0.00 | Dogwood Drive | 2.20 | 2.20 | 45 |
| 212 |  | Dekalb County line | 0.00 | Newton County line | 8.23 | 8.23 | 55 |
| 402  (I-20) |  | Dekalb County line | 77.35 | 0.41 miles west of West Avenue  (W. Conyers city limits) | 80.35 | 3.00 | 70 |
| 402  (I-20) |  | State Route 162 (Salem Road)  (E. Conyers city limits) | 84.48 | Newton County line | 86.02 | 1.54 | 70 |

\*\*\*SCHOOL ZONE HOURS ARE EFFECTIVE\*\*\*

A.M. — From 30 minutes prior to commencement time to 15 minutes after commencement time — SCHOOL DAYS ONLY

P.M. — From 15 minutes prior to dismissal time to 30 minutes after dismissal time — SCHOOL DAYS ONLY

**OFF-SYSTEM**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Road Name | Within the City/Town Limits of and/or School Name | From | To | Length in Miles | Speed Limit |
| Abbey Ridge Road |  | S.R. 212 | Millside Drive | 0.63 | 25 |
| Abbott Lake Road |  | Sigman Road | Dekalb County line | 0.55 | 35 |
| Abbott Road |  | Iris Drive | Turner Road | 1.18 | 35 |
| Acorn Court |  | Black Shoals Road | Dead end | 0.29 | 25 |
| Alexander Lake Road |  | Henry County Line | Flat Bridge Road | 1.90 | 40 |
| Alexandria Lane |  | McDaniels Mill Road | Dead end | 0.25 | 25 |
| Almand Road |  | S.R. 20 | Irwin Bridge Road | 1.90 | 40 |
| Ambrose Drive |  | Dead end | Dead end | 0.37 | 25 |
| American Legion Road |  | S.R. 20 | 0.28 mile north of American Legion Road (S. Conyers city limits) | 0.28 | 35 |
| Arbor Lane |  | Cowan Road | Jolane Terrace | 0.30 | 25 |
| Avalon Parkway  \*\*\*   SCHOOL ZONE   \*\*\* | Parks Chapel Elementary School | McCalla Road | 155 feet N. of Benton Cove | 0.28 | 25 |
| Bailey Road |  | S.R. 212 | Dead end | 0.75 | 30 |
| Bear Mountain Drive |  | Shoals Drive | Dead end | 0.26 | 25 |
| Bell Road |  | Hull Road | S.R. 20 | 1.05 | 35 |
| Bellevue Drive |  | Dead end | Dead end | 0.46 | 25 |
| Benji Boulevard |  | Old Salem | Dead end | 0.65 | 25 |
| Bethel Road |  | Pleasant Hill Road | East Hightower Trail | 5.05 | 40 |
| Black Road (asphalt portion only) |  | White Road | Schaffer Road | 0.28 | 30 |
| Black Shoals Road |  | Bethel Road | Black Shoals Reservoir | 1.21 | 35 |
| Boar Tusk Road |  | Hill Street | S.R. 138 | 0.81 | 35 |
| Bonds Lake Road |  | Irwin Bridge Road | Dekalb County line | 2.50 | 40 |
| Booth Road |  | Haralson Mill Road | Black Shoals Road | 0.63 | 35 |
| Bowen Road |  | Union Springs Road | East Fairview Road | 1.10 | 35 |
| Brentwood Crossing |  | Old Salem Road | Dead end | 0.96 | 25 |
| Brentwood Lane |  | Bell Road | West Lake Drive | 0.21 | 25 |
| Briarwood Circle |  | McDaniel Mill Road | Briarwood Circle | 0.94 | 25 |
| Bridgewood Drive |  | S.R. 212 | Hull Road | 0.82 | 25 |
| Bridle Creek Drive |  | Flat Shoals Road | Dead end | 0.80 | 25 |
| Cambridge Creek Drive |  | Klondike Road | Dead end | 0.29 | 25 |
| Cedar Lake Drive |  | Cedar Brook Drive | Dead end | 0.69 | 25 |
| Cedar Lane |  | Sigman Road | Abbott Road | 0.52 | 25 |
| Chandler Road |  | Hightower Trail | Hightower Trail | 1.25 | 40 |
| Cherry Hill Lane |  | Sugar Maple Drive | Ebenezer Road | 0.31 | 25 |
| Cherry Hill Road |  | S.R. 138 | Dead end | 1.03 | 25 |
| Chimney Ridge Drive |  | S.R. 138 | Dead end | 0.43 | 25 |
| Christian Circle North |  | S.R. 20 | Newton County line | 1.23 | 30 |
| Christian Circle South |  | S.R. 20 | Newton County line | 0.73 | 30 |
| Cindy Drive |  | Stanton Road | Stanton Ridge Way | 0.53 | 25 |
| Clubhouse Drive |  | Clubland Circle | Sugar Creek Trail | 0.60 | 25 |
| Classic Drive |  | S.R. 138 | Shoals Drive | 0.38 | 25 |
| Clubland Circle |  | Honey Creek Road | Clubland Circle | 1.70 | 25 |
| Cochise Trail |  | S.R. 20 | Cedar Brook Drive | 0.37 | 25 |
| Colonial Drive South |  | S.R. 212 | Bailey Road | 0.85 | 25 |
| Concord Corner |  | Hampton Trail | Hampton Trail | 0.45 | 25 |
| Cook Road |  | Union Church Road | Henry County line | 0.96 | 40 |
| Corley Road |  | Mt. Zion Road | Irwin Bridge Road | 1.30 | 40 |
| Costley Mill Road |  | S.R. 138 | Newton County line | 3.60 | 45 |
| Country Club Drive |  | S.R. 162 (Salem Road) | Newton County line | 0.60 | 25 |
| Country Lane Drive |  | S.R. 20 | Zingara Road | 0.65 | 25 |
| Country Lane Way |  | S.R. 20 | Country Lane Drive | 0.35 | 25 |
| Cowan Road |  | S.R. 20 | Troupe Smith Road | 1.90 | 40 |
| Crowell Road |  | S.R. 212 | Oglesby Bridge Road | 1.15 | 45 |
| Deer Run Drive |  | Holmes Drive | East Shore Drive | 0.87 | 25 |
| Deere Drive |  | Dogwood Drive | Old Covington Highway | 0.44 | 35 |
| Dennard Road |  | S.R. 138 | Costley Mill Road | 2.15 | 40 |
| Dennard Road  \*\*\*   SCHOOL ZONE   \*\*\* | Hightower Trail  Elementary School | S.R. 138 | 0.10 mile east of S.R. 138 | 0.10 | 25 |
| Dial Mill Road |  | S.R. 138 | Newton County line | 0.87 | 35 |
| Druids Drive |  | Honey Creek Road | Dead end | 0.38 | 25 |
| Dogwood Drive |  | 2,700 feet W. of Blacklawn Road | 595 feet W. of VFW Drive (W. Conyers city limits) | 0.68 | 45 |
| Dogwood Drive |  | S.R. 162/Salem Road "Overpass" (E. Conyers city limits) | Newton County line | 1.60 | 45 |
| East Fairview Road |  | Henry County line | Henry County line | 7.40 | 45 |
| East Fairview Road  \*\*\*   SCHOOL ZONE   \*\*\* | Lorraine  Elementary School | 0.10 mile south of S.R. 138 | 0.50 mile south of S.R. 138 | 0.40 | 25 |
| East Shore Drive |  | North Shore Court | Deer Run Drive | 0.81 | 25 |
| Eastview Road |  | S.R. 138 | Norton Road | 1.10 | 40 |
| Ebenezer Road |  | Honey Creek Road | Johnson Road | 4.40 | 45 |
| Ebenezer Road  \*\*\*   SCHOOL ZONE   \*\*\* | G.L. Edwards  Middle School | 150 feet north of Walker Road | 1,200 feet north of Walker Road | 0.20 | 25 |
| Farmer Road |  | General Arts Road | Irwin Bridge Road | 2.80 | 35 |
| Fieldstone Drive |  | Flat Shoals Road | Newton County line | 1.11 | 25 |
| Financial Boulevard |  | Flat Shoals Road | Ellington Road | 0.47 | 30 |
| Fireside Trail |  | Chimney Ridge Drive | Dead end | 0.38 | 25 |
| Flat Bridge Road |  | Alexander Lake Road | Dekalb County line | 1.14 | 50 |
| Flat Shoals Road |  | McDaniel Mill Road | 360 feet west of Almand Creek Road (W. Conyers city limits) | 2.53 | 45 |
| Flat Shoals Road  \*\*\*   SCHOOL ZONE   \*\*\* | Shoal Creek  Elementary School | 0.10 mile west of McWilliams Road | 0.10 mile east of McWilliams Road | 0.20 | 25 |
| Flat Shoals Road |  | 520 feet east of Parker Road (E. Conyers city limits) | Dead end at (T) Intersection with Iris Drive | 3.54 | 45 |
| Flat Shoals Road  \*\*\*   SCHOOL ZONE   \*\*\* | Flat Shoals  Elementary School | 0.40 mile east of Old Salem Road | 0.80 mile east of Old Salem Road | 0.40 | 25 |
| Gees Mill Road |  | Sigman Road | Costley Mill Road | 2.90 | 45 |
| General Arts Road |  | Sigman Road | Rockdale Industrial Boulevard | 0.60 | 25 |
| Glad Dale Drive |  | Ebenezer Road | Dead end | 0.99 | 25 |
| Gleaton Road |  | Dennard Road | 1,000 feet east of S.R. 138 | 0.59 | 30 |
| Glencree |  | Lismore | Dead end | 0.61 | 25 |
| Glenn Road |  | Dogwood Connector | Gees Mill Road | 1.40 | 35 |
| Golfview Drive |  | S.R. 162 (Salem Road) | Country Trace | 0.24 | 25 |
| Goode Road |  | Tucker Mill Road | Stanton Road | 2.25 | 40 |
| Granade Road |  | S.R. 138 | Smyrna Road | 1.60 | 40 |
| Granade Road  \*\*\*   SCHOOL ZONE   \*\*\* | Heritage  High School | S.R. 138 | 0.20 mile north of Heritage Drive | 0.40 | 25 |
| Greenview Avenue |  | Pine Ridge Trail | Dead end | 0.60 | 25 |
| Griffin Mountain Trail |  | Horseshoe Springs Drive | Newton County line | 0.52 | 25 |
| Hampton Trail |  | Concord Corner | Newton County line | 0.63 | 25 |
| Haralson Mill Road |  | Bethel Road | Booth Road | 1.26 | 35 |
| Harvest Drive |  | Vinyard Drive | Harvest Drive | 1.10 | 25 |
| Havenridge Drive |  | Turner Road | Dead end | 0.70 | 25 |
| Heathervale Way |  | McDaniel Mill Road | Dead end | 0.43 | 25 |
| Heritage Drive |  | Granade Road | Heritage Crossing | 0.40 | 25 |
| Highland Drive |  | Fieldstone Drive | Fieldstone Drive | 0.49 | 25 |
| Highland Golf Course Drive |  | Fieldstone Drive | Dead end | 0.29 | 25 |
| Hillside Drive |  | Laurel Woods Lane | Hillside Place | 0.26 | 25 |
| Hi Roc Road |  | S.R. 20 | S.R. 138 | 3.00 | 40 |
| Hi Roc Road  \*\*\*   SCHOOL ZONE   \*\*\* | Hightower Trail Elementary School | 0.20 mile west of S.R. 138 | S.R. 138 | 0.20 | 25 |
| Holmes Drive |  | East Shore Drive | Paul Circle | 0.74 | 25 |
| Honey Creek Road |  | S.R. 212 | Newton County line | 5.45 | 45 |
| Honey Creek Road  \*\*\*   SCHOOL ZONE   \*\*\* | Honey Creek Elementary School | 500 feet west of Parr Road | Stanton Road | 0.50 | 25 |
| Horseshoe Springs Drive |  | Old Covington Road | Newton County line | 0.51 | 25 |
| Hull Road |  | Oglesby Bridge Road | S.R. 212 | 0.70 | 35 |
| Humphries Road |  | Irwin Bridge Road | Dekalb County line | 1.55 | 40 |
| Iris Drive |  | DeKalb County line | Sigman Road | 0.93 | 45 |
| Iris Drive |  | Sigman Road | 1,965 feet west of Klondike Road (W. Conyers city limits) | 2.10 | 45 |
| Iris Drive |  | 0.50 mile east of Parker Road "Overpass" (E. Conyers city limits) | S.R. 20 | 0.36 | 45 |
| Iris Drive |  | 40 feet east of S.R. 20 | 2,462 feet west of Flat Shoals Road | 1.74 | 45 |
| Iris Drive |  | 2,462 feet west of Flat Shoals Road | Flat Shoals Road | 0.47 | 45 |
| Iris Drive |  | 0.35 mile west of Edwards Drive | Newton County line | 1.45 | 45 |
| Irwin Bridge Road |  | Mountain View Road | Sigman Road | 0.35 | 35 |
| Irwin Bridge Road |  | Sigman Road | West Hightower Trail | 4.40 | 45 |
| Jefferson Drive |  | Hull Road | Dead end | 0.60 | 25 |
| Jimson Circle |  | Jimson Drive | Jimson Drive | 0.94 | 25 |
| Johnson Road |  | Klondike Road | Ebenezer Road | 1.60 | 45 |
| June Drive |  | Klondike Road | April Drive | 0.54 | 25 |
| Kay Terrace |  | S.R. 20 | Dead end | 0.68 | 25 |
| Kingston Drive |  | Stanton Road | Waterside Drive | 0.23 | 25 |
| Klondike Road |  | 132 feet north of Klondike Court | Blacklawn Road | 0.13 | 35 |
| Klondike Road |  | Blacklawn Road | Smyrna Road | 0.73 | 40 |
| Klondike Road |  | Smyrna Road | Dekalb County line | 2.88 | 45 |
| Kurt Lane |  | Deer Run Drive | Dead end | 0.69 | 25 |
| Lake Capri Drive |  | Rockbridge Road | Rockbridge Road | 1.10 | 25 |
| Lake Capri Road |  | Old Covington Highway | Rockbridge Road | 1.44 | 35 |
| Lake Forest Drive |  | West Lake Drive | Tahoe Drive | 0.75 | 25 |
| Lake Rockaway Road |  | Old Covington Highway | 1,000 feet north of Rockbridge Road | 1.80 | 45 |
| Lake Sorrento Drive |  | Lake Capri Drive | Dead end | 0.38 | 25 |
| Lambeth Way |  | Old Salem Road | Dead end | 0.57 | 25 |
| Lenora Church Road |  | Pleasant Hill Road | Gwinnett County line | 0.50 | 45 |
| Lester Road |  | Lake Rockaway Road | Old Covington Highway | 2.35 | 40 |
| Limberlost Trail |  | S.R. 138 | Dead end | 0.56 | 25 |
| Linda's Circle |  | Benji Boulevard | Benji Boulevard | 0.51 | 25 |
| Lismore |  | Smokerise East | Dead end | 0.42 | 25 |
| Lochinver Lane |  | Granade Road | High Street | 0.51 | 25 |
| Lost Valley Trail |  | Dead end | Dead end | 0.46 | 25 |
| Maggie Lane |  | Christian Circle | Misty Valley Court | 0.45 | 25 |
| Main Street |  | S.R. 20 | Oak Street | 0.80 | 35 |
| Maple Street |  | Old Salem Road | Dead end | 0.49 | 25 |
| Marie Hill Drive |  | Smyrna Road | Dead end | 0.42 | 25 |
| Martha's Way |  | S.R. 20 | Harvest Drive | 0.21 | 25 |
| McCall's Road  \*\*\*   SCHOOL ZONE   \*\*\* | Peeks Chapel Elementary School | 915 feet W. of Avalon Parkway | 230 feet E. of Avalon Parkway | 0.22 | 25 |
| McDaniel Mill Road |  | Smyrna Road | Iris Drive | 3.48 | 45 |
| McWilliams Road |  | Flat Shoals Road | Klondike Road | 0.70 | 35 |
| McWilliams Road  \*\*\*   SCHOOL ZONE   \*\*\* | Shoal Creek  Elementary School | Flat Shoals Road | 0.60 mile north of Flat Shoals Road | 0.60 | 25 |
| Meadowlark Drive |  | Hull Road | West Lake Drive | 0.36 | 25 |
| Miller Bottom Road |  | S.R. 138 | Walton County line | 2.60 | 40 |
| Millside Drive |  | Honey Creek Road | dead end | 0.28 | 25 |
| Milstead Avenue |  | 300 feet east of Gardner Street | Sigman Road | 0.60 | 40 |
| Milstead Road |  | Oak Street | Milstead Avenue | 0.70 | 35 |
| Mink Livsey Road |  | Pleasant Hill Road | Gwinnett County line | 0.37 | 45 |
| Mountain View Road |  | Irwin Bridge Road | Mountain View Circle (most easterly intersection) | 0.22 | 25 |
| Mt. Zion Road |  | Almand Road | S.R. 20 | 0.67 | 40 |
| North Hicks Circle |  | 0.12 mile west of Peggy Lane | 0.11 mile east of Peggy Lane | 0.23 | 25 |
| North Hightower Trail |  | White Road | W. Hightower Road/Bethel Road | 0.77 | 45 |
| North Salem Road |  | End of S.R. 162 at the (Dogwood Drive) "Underpass" | Old Covington Road | 0.35 | 45 |
| North Tower Way |  | S.R. 138 | Dead end | 0.74 | 25 |
| Northside Drive |  | Shipp Circle (most northerly intersection) | 0.19 mile south of Shipp Circle (most southerly intersection) (Conyers city limits) | 0.39 | 30 |
| Norton Road |  | Milstead Road | Eastview Road | 0.57 | 30 |
| Oglesby Bridge Road |  | S.R. 20 | Union Church Road | 4.70 | 45 |
| Oglesby Bridge Road  \*\*\*   SCHOOL ZONE   \*\*\* | M.G. Barksdale  Elementary School | 170 feet west of Bristol Drive | 125 feet east of Windsor Drive | 0.25 | 25 |
| Old Covington Highway |  | Dekalb County line | Third Avenue | 3.10 | 45 |
| Old Covington Highway |  | Gees Mill Road | Dogwood Drive | 1.15 | 45 |
| Old Covington Road |  | Gees Mill Road | Newton County line | 2.80 | 40 |
| Old Parker Road |  | S.R. 138 | Parker Road | 0.26 | 35 |
| Old Salem Circle |  | Old Salem Road | Oxford Drive | 0.49 | 25 |
| Old Salem Drive |  | Old Salem Road | Old Salem Circle | 0.24 | 25 |
| Old Salem Road |  | Newton County line | Underwood Road | 0.75 | 40 |
| Old Salem Road |  | Underwood Road | 600 feet south of George Drive | 2.20 | 45 |
| Old Salem Road |  | 600 feet south of George Drive | S.R. 20/138 | 1.60 | 40 |
| O'Neal Road |  | S.R. 138 | 0.10 mile east of Daniels Bridge Road | 0.68 | 35 |
| O'Neal Road |  | 0.10 mile east of Daniels Bridge Road | S.R. 212 | 0.45 | 40 |
| Orchard Road |  | S.R. 212 | S.R. 212 | 0.93 | 25 |
| Parker Road |  | S.R. 138 | 125 feet north of Old Parker Road | 0.23 | 25 |
| Parker Road |  | 125 feet north of Old Parker Road | 1,185 feet north of Old Parker Road (S. Conyers city limits) | 0.21 | 35 |
| Parr Road |  | Honey Creek Road | Stanton Road | 0.32 | 25 |
| Paul Circle |  | Wendwood Road | Wendwood Road | 0.81 | 25 |
| Pennington Drive |  | Honey Creek Road | Dead end | 0.30 | 25 |
| Philadelphia Road |  | Hi Roc Road | West Hightower Trail | 2.15 | 35 |
| Plantation Boulevard |  | Oglesby Bridge Road | Crowell Road | 1.05 | 25 |
| Pleasant Hill Road |  | S.R. 20 | Dekalb County line | 3.40 | 45 |
| Plunkett Road |  | Old Covington Highway | Lester Road | 0.66 | 35 |
| Ralph Road |  | S.R. 20 | Stanton Road | 2.00 | 35 |
| Rambling Rose Court |  | Old Camp Trail | Rocky Ridge Drive | 0.35 | 25 |
| Richardson Road |  | Cook Road | S.R. 155 | 0.56 | 45 |
| Richmond Drive |  | Stanton Road | Sherbrooke Drive | 0.25 | 25 |
| Rockbridge Road |  | 225 feet north of Harvel Street | Lake Rockaway Road | 2.40 | 45 |
| Rockbridge Road |  | Lake Rockaway Road | Union Grove Road | 1.21 | 35 |
| Rock Hill Lane |  | Bear Mountain Drive | Dead end | 0.29 | 25 |
| Rockdale Drive |  | S.R. 20 | Wilson Road | 0.38 | 25 |
| Rosemary Lane |  | Honey Creek Road | Dead end | 0.33 | 25 |
| Salem East Drive |  | Old Salem Road | Spring Creek Drive | 0.35 | 25 |
| Salem Gate Drive |  | Old Salem Road | Iris Drive | 0.34 | 45 |
| Saxony Drive |  | Saxony Way | Dead end at "Brick Planter" | 0.34 | 25 |
| Saxony Drive |  | Dead end at "Brick Planter" | Thames Drive | 0.27 | 25 |
| Sherbrooke Drive |  | S.R. 20 | Kingston Drive | 0.24 | 25 |
| Sigman Road |  | Abbott Road | Rockbridge Road (W. Conyers city limits) | 3.00 | 45 |
| Sigman Road |  | 1,944 feet east of Irwin Bridge Road (E. Conyers city limits) | S.R. 20 (W. Conyers city limits) | 1.00 | 45 |
| Sigman Road  \*\*\*   SCHOOL ZONE   \*\*\* | Conyers  Middle School | 0.10 mile west of Milstead Avenue | 0.35 mile west of Milstead Avenue | 0.25 | 25 |
| Sigman Road |  | Gees Mill Road (E. Conyers city limits) | Old Covington Road | 0.80 | 45 |
| Smokerise East |  | Bonds Lake Road | Dekalb County line | 0.39 | 25 |
| Smyrna Road |  | S.R. 212 | Iris Drive | 4.50 | 45 |
| South Blacklawn Road |  | Iris Drive | Klondike Road | 0.28 | 30 |
| Southpark Boulevard |  | S.R. 212 | Dead end | 0.39 | 25 |
| South River Road |  | West Shore Drive | Tanager Terrace | 0.27 | 25 |
| Spring Creek Drive |  | Hampton Trail | Salem East Drive | 0.39 | 25 |
| Squire Lane |  | Parr Road | Goode Road | 0.73 | 25 |
| Stanton Road |  | Honey Creek Road | Ebenezer Road | 2.60 | 45 |
| Stanton Road  \*\*\*   SCHOOL ZONE   \*\*\* | G.L. Edwards  Middle School | 0.15 mile south of Ebenezer Road | 0.50 mile north of Ebenezer Road | 0.35 | 25 |
| Stanton Road  \*\*\*   SCHOOL ZONE   \*\*\* | Honey Creek  Elementary School | Honey Creek Road | 500 feet north of Parr Road | 0.36 | 25 |
| Stedman Lane |  | Thrasher Lane | Dead end | 0.55 | 25 |
| Stone Bridge Trail |  | Dead end | Dead end | 0.63 | 25 |
| Sugar Creek Drive |  | S.R. 20 | Sugar Creek Trail | 0.40 | 25 |
| Sugarplum Drive |  | Cherry Hill Road | Cherry Hill Road | 0.28 | 25 |
| Surrey Trail |  | 50 feet west of S.R. 162 | Dead end | 0.70 | 25 |
| Tanager Terrace |  | Turnstone Drive | Dead end | 0.25 | 25 |
| Thornwood Circle |  | Magnet Road | Brown Bridge Road | 0.44 | 25 |
| Thrasher Lane |  | Oglesby Bridge Road | Turnstone Drive | 0.54 | 25 |
| Tiffany Drive |  | Honey Creek Road | Cherry Creek Drive | 0.50 | 25 |
| Troupe Smith Road |  | Crowell Road | Honey Creek Road | 1.50 | 45 |
| Tucker Mill Road |  | S.R. 138 | S.R. 138 | 3.50 | 45 |
| Turner Road |  | McDaniel Mill Road | Dekalb County line | 1.00 | 35 |
| Turnstone Drive |  | Tanager Terrace | Dead end | 0.44 | 25 |
| Uncle Gene's Way |  | Benji Boulevard | Estel's Lane | 0.28 | 25 |
| Underwood Road |  | Honey Creek Road | Old Salem Road | 1.15 | 35 |
| Underwood Road  SCHOOL ZONE   0750—0835   1510—1605   SCHOOL DAYS   ONLY | Memorial  Middle School  and  Salem  High School | 0.05 mile south of Old Salem Road | 0.75 miles south of Old Salem Road | 0.70 | 25 |
| Union Church Road |  | Henry County line | Flat Bridge Road | 7.00 | 45 |
| Union Grove Road |  | Rockbridge Road | Dekalb County line (continuing due north from Rockbridge Road) | 0.20 | 35 |
| Union Springs Road |  | Union Church Road | Bowen Road | 0.97 | 35 |
| Valley Woods Circle |  | Sugar Valley Lane | Sweetwater Lane | 0.32 | 25 |
| Vineyard Drive |  | S.R. 20 | Dead end | 0.89 | 25 |
| Walker Road |  | S.R. 138 | Ebenezer Road | 0.95 | 45 |
| Walker Road  \*\*\*   SCHOOL ZONE   \*\*\* | Dorothy L. Sims Elementary School | 0.10 mile east of S.R. 138 | 0.60 mile east of S.R. 138 | 0.50 | 25 |
| Weatherstone Circle |  | S.R. 138 | Dead end | 1.30 | 25 |
| Wendwood Road |  | Bailey Road | Shannon Trail | 0.88 | 25 |
| West Lake Drive |  | Dead end | Dead end | 0.74 | 25 |
| West Hightower Trail |  | Pleasant Hill Road | White Road/North Hightower Trail | 3.59 | 45 |
| West Shore Drive |  | North Shore Court | Dead end | 0.62 | 25 |
| Westchester Parkway |  | Old Salem Road | Sableshire Way | 0.89 | 25 |
| White Oak Street |  | Old Salem Road | Flat Shoals Road | 0.52 | 25 |
| White Road |  | S.R. 138 | West Hightower Trail/North Hightower Trail | 2.30 | 45 |
| Whites Chapel Road |  | Smyrna Road | Granade Road | 0.22 | 25 |
| Wilson Road |  | S.R. 20 (most southerly intersection) | Rockdale Drive | 0.90 | 35 |
| Wilson Road |  | Rockdale Drive | S.R. 20 (most northerly intersection) | 0.88 | 30 |
| Windridge Drive |  | S.R. 138 | Dead end | 0.49 | 25 |
| Windy Hill Drive |  | Honey Creek Road | Dead end | 0.86 | 25 |
| Zingara Road |  | S.R. 20 | Hi Roc Road | 0.65 | 40 |
| Zinrara Road |  | Hi Roc Road | Bethel Road | 3.20 | 45 |

\*\*\* SCHOOL ZONE HOURS ARE EFFECTIVE \*\*\*

A.M. — From 30 minutes prior to commencement time to 15 minutes after commencement time — SCHOOL DAYS ONLY.

P.M. — From 15 minutes prior to dismissal time to 30 minutes after dismissal time — SCHOOL DAYS ONLY.

(Ord. No. 0-2001-24, § 1, 9-11-2001; Ord. No. 2010-02, § I, 3-23-2010; Ord. No. 0-2011-05, § 1, 2-22-2011; Ord. No. O-2016-08, §§ 2, 3, 8-9-2016; Ord. No. 2024-04, § I, 4-23-2024)

Secs. 94-32—94-60. Reserved.

### ARTICLE III. TRUCKS

Sec. 94-61. Certain trucks restricted to truck routes.

All motor vehicles having a gross weight in excess of 36,000 pounds, including the load thereon, or having an overall length in excess of 30 feet, except vehicles designed to carry passengers, are prohibited from using any street within the unincorporated portions of the county except those authorized by this article and designated as truck routes except when the terminal, parking lot or repair garage or headquarters of the restricted motor vehicle is not on a designated truck route; ingress to and egress from those places shall be made by the most direct route available between the terminal, parking lot, repair garage or headquarters and nearest designated truck route.

(Code 1978, § 8-2001)

Sec. 94-62. Certain trucks prohibited.

No vehicle shall be operated on any public road maintained by the county with a total gross weight, in excess of 56,000 pounds unless the vehicle is making a pickup and delivery on that road. Provided, however, the maximum gross weight shall not exceed 73,280 pounds.

(Code 1978, § 8-2002)

Sec. 94-63. Tire and weight restrictions.

No wheel on any vehicle operated upon any public road maintained by the county, equipped with high pressure, pneumatic solid rubber or cushion tires shall carry a load which exceeds 8,000 pounds by more than 13 percent, or an axle load which exceeds 16,000 pounds by more than 13 percent; no wheel equipped with low pressure pneumatic tires shall carry a load which exceeds 9,000 pounds by more than 13 percent, or any axle load which exceeds 18,000 pounds by more than 13 percent. An axle load shall be defined as the total load on all wheels the centers of which may be included between two parallel transverse vertical planes 40 inches apart. If the driver of any vehicle can comply with the requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, that driver shall not be held to be operating in violation of this section.

(Code 1978, § 8-2003)

Sec. 94-64. Inspection authorized.

Any person driving or in charge or control of any of the restricted vehicles defined in section 94-63, when upon streets other than those designated as truck routes, shall be prepared to present for the inspection of police officers his log book, weight slips, delivery slips or other written evidence of his destination and point of origin to justify the presence of the restricted vehicle on a street other than a designated truck route.

(Code 1978, § 8-2004)

Sec. 94-65. Temporary truck routes.

If any designated truck route, or portion thereof, shall be under repair or otherwise temporarily out of use, restricted vehicles as defined in this article shall use other temporary truck routes as may be designated by the county.

(Code 1978, § 8-2005)

Sec. 94-66. Truck routes; posting.

Only state road system highways, including all federal highways, are hereby designated as truck routes for purposes of section 94-61. These routes may be so posted by the county and other county roads may be posted by the county to give special notice that trucks are hereby prohibited.

(Code 1978, § 8-2006)

Sec. 94-67. Parking prohibited.

No commercial vehicle with a gross vehicle weight or gross combination weight over 14,000 pounds shall be parked on any public road maintained in the county that has a right-of-way width of less than 70 feet (such roads are commonly referred to as rural local roads, urban local streets or subdivision streets) if the immediately adjacent property is zoned to any residential district as defined in chapter 106 of the UDO. This section shall not apply to regulated commercial vehicles or trailers that are loading, unloading or temporarily servicing adjacent premises.

(Code 1978, § 8-2007; Ord. No. 0-2006-32, § 12, 11-28-2006)

## Chapter 98 UTILITIES[[41]](#footnote-41)

### ARTICLE I. GENERAL STANDARDS AND DEFINITIONS FOR WATER AND WASTEWATER SYSTEMS

#### DIVISION 1. ESTABLISHMENT AND MAINTENANCE OF WATER AND WASTEWATER SERVICES

Sec. 98-1. Scope.

(a) Chapter 98 is intended to regulate water and wastewater use within Rockdale County, as well as the Rockdale County Water System and the Rockdale County Wastewater System, wherever located. These regulations shall be in addition to those contained elsewhere in the Code. Article I sets forth general standards (division 1) and definitions (division 2) applicable to the Rockdale County Water System and Wastewater System. Additional regulations primarily governing the water system are set forth in article II. Additional regulations primarily governing the wastewater system are set forth in article III. Notwithstanding this organization by articles, all sections of this chapter shall apply to both the water system and the wastewater system to the extent set forth in or implied by each section, including but not limited to the enforcement and penalties provisions of division 8 of article 3. The director shall administer and enforce this chapter except where otherwise provided.

(b) Rockdale County operates and maintains the water system and wastewater system which serve customers within and without the geographic boundaries of the county. The county shall have the authority to fix and determine rates, charges and fees required for the provision, consumption, operation, maintenance, extension and expansion of its water and wastewater systems. The county, in the exercise of its governmental responsibility to provide for the health, safety and welfare of all consumers of its utility services as well as the public at large, has the authority and responsibility to enact and to periodically amend this ordinance and its policies and procedures to ensure compliance in operation and practice of the water and wastewater systems with all applicable state and federal law.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 2007-29, § 1, 12-20-2007)

Sec. 98-2. Establishment of water and wastewater service.

(a) The process for establishing water and wastewater service shall be as described in sections 98-34 and 98-91 respectively.

(b) *Incidental costs and indemnification.* All costs and expenses incidental to a water or wastewater connection shall be the responsibility of, and paid by, the property owner(s). The property owner(s) shall indemnify the county against any loss or damage to county water or wastewater facilities that are directly or indirectly caused by the connection.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-3. Reserved.

Editor's note(s)—Ord. No. 2007-29, § 6, adopted Dec. 20, 2007, deleted § 98-3 in its entirety. Former § 98-3 pertained to water and wastewater service deposit and derived from Ord. No. 2007-07, § 1, adopted Mar. 27, 2007.

Sec. 98-4. Inspection and emergencies.

The director, and the sheriff's department, shall have the right at all reasonable hours to enter upon any premises where county water and/or wastewater is connected for the purpose of inspecting the pipes and fixtures, setting and repairing meters, turning water on or off, examining the sanitary conditions incident to the use of the water or wastewater, and enforcing this chapter generally. The director may stop the supply of water in case of emergency, and shut off for repairs or extensions, the director being the sole judge of the time and necessity therefor, reasonable notice being given when practicable. These provisions shall be in addition to all other inspection, enforcement and penalty provisions provided elsewhere in this chapter.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-5. Water or wastewater connections—Generally.

(a) No person shall connect to any water or wastewater line maintained, leased or owned by the county without written authorization from the county in accordance with the procedures set forth in this chapter.

(b) Upon the application for new water or wastewater service connections, the applicant shall pay to the county all required fees as fixed from time to time by the board of commissioners.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-6. Water and wastewater fees required for building permit.

Any applicant for a building permit must first pay all applicable water and wastewater connection fees and obtain all applicable water and wastewater permits before a building permit may be issued. See also section 98-89 for additional wastewater restrictions.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-7. Reserved.

Editor's note(s)—Ord. No. 2007-29, § 6, adopted Dec. 20, 2007, deleted § 98-7 in its entirety. Former § 98-7 pertained to water and wastewater billing and rates—generally and derived from Ord. No. 2007-07, § 1, adopted Mar. 27, 2007.

Sec. 98-8. Expansion, design, construction and acceptance of water and wastewater connections and facilities.

(a) Property owner(s) or developer(s) of existing or proposed private structure(s), land disturbance or other development ("development") may apply for connection to or expansion of the county wastewater system only if each of the following preliminary requirements are met:

(1) Wastewater system availability exists within the county's wastewater treatment plant system designated to receive new flow from the proposed project;

(2) No portion of the subject property is located within the areas designated to be served by septic systems only as set forth in the current Rockdale County Water and Wastewater Master Plan, and the request would not otherwise conflict with said plan; and

(3) All of the requirements of Article III - Wastewater System are met.

(b) Authorization, design and construction of all water and wastewater facilities shall be subject to each of the following conditions:

(1) Design and construction of all water and wastewater facilities shall conform to the latest edition of the *Rockdale County Water and Wastewater Standards and Specifications,* as adopted from time to time by the board of commissioners.

(2) No connection to, expansion, or improvement of the county water or wastewater conveyance systems by private persons shall be authorized or initiated without prior written approval from the director, which approval shall be consistent with all of the provisions of section 98-8.

(3) The owner or developer shall pay the entire cost of connection to the water and wastewater conveyance system. All materials, labor, and required land interest or easements for all water and wastewater facilities shall be furnished, acquired and paid for by the owner or developer.

(4) The owner or developer shall execute a dedication agreement in a form acceptable to the director before initiating any construction of water or wastewater facilities. The dedication agreement shall clearly specify the terms and conditions under which water and wastewater facilities are to become property of the county.

(5) The owner or developer shall pay all required connection, inspection and associated fees before connecting to water or wastewater facilities.

(6) Rockdale Water Resources shall review and approve all plans and inspect all work for conformance to the latest edition of the *Rockdale County Water and Wastewater Standards and Specifications* and perform a final inspection before acceptance. All required inspections must be passed.

(7) Installation of water and wastewater facilities shall be performed by a certified utility contractor licensed by the State of Georgia.

(8) Water and wastewater facilities to be dedicated to the county shall become the property of the county upon completion and final acceptance of such facilities. Final acceptance of such facilities shall be issued in writing only.

(9) The owner or developer shall furnish "as-built" records of all water and wastewater facilities constructed. Specifications for such records shall be as described in the latest edition of the *Rockdale County Water and Wastewater Standards and Specifications.*

(10) The owner or developer shall warrant all water and wastewater facilities constructed for a period of two years. A bond shall be provided in the amount described in the latest edition of the *Rockdale County Water and Wastewater Standards and Specifications.* The warranty period shall begin on the date of written final acceptance of the work.

(c) The county shall not accept any water or wastewater facilities, or issue a final plat for subdivision, or issue a certificate of occupancy for any new structure, unless the provisions of this section 98-8 have been satisfied, or waived upon good cause shown by the board of commissioners.

(d) The county may extend, connect to or modify any water line or wastewater line dedicated to the county without compensation to those responsible for original construction of the line.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 0-2008-04, § 1, 2-12-2008; Ord. No. 2017-07, § 1, 5-23-2017)

Sec. 98-9. Sizing and location of water and wastewater lines.

(a) It being the intent of the county to provide the best possible water and wastewater service to its customers, affording adequate pressure and supply, and to anticipate and meet future demands placed on the water and wastewater system, all lines constructed and installed by the county or other persons shall meet the following criteria:

(1) Water and wastewater lines to be dedicated to the county shall be installed along public thoroughfares and rights-of-way. The board of commissioners may approve an alternate location upon determination that a hardship (other than financial) would be created by this requirement.

(2) Water and wastewater lines installed on all existing or future thoroughfares or drainageways shall conform to the current *Water and Wastewater System Master Plan* on file in the office of the director.

(3) Water and wastewater lines to be installed in new developments shall be sized and constructed as follows:

*Residential/Office/Institutional:*

Eight-inch water lines on all subdivision through streets. Smaller lines may be authorized on permanent cul-de-sac streets on a case-by-case basis and at the sole discretion of the director.

Eight-inch sewer lines and six-inch service lines on all streets unless design flow rate and/or slope requires a larger size.

*Commercial/Industrial:*

Twelve-inch water lines on all streets or rights-of-way.

Eight-inch sewer lines and six-inch service lines on all streets unless design flow rate and/or slope requires a larger size.

(b) When, in the opinion of the director, the pipe size specified in this section that will connect a residential subdivision, development, or user to the water or wastewater system, is larger than would normally be required to serve the requirements of such subdivision, development, or user, the county may participate financially in the cost to increase the line size upon the adoption by the board of commissioners of a motion to that effect. Such participation shall be limited to paying the difference in the cost of material of the size necessary to serve the development and the larger diameter pipe. No other rebates or reimbursements shall be considered by the county.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-10. Water and wastewater service lines; responsibility.

(a) All water or wastewater service lines running from the meter, or, in the case of wastewater, the street right-of-way, to the customer's property shall be the responsibility of the customer.

(b) The county owns and maintains water service lines from the main through the meter inclusive. The county owns and maintains wastewater service lines from the main or manhole to the street right-of-way.

(c) All water service lines shall have a suitable backflow preventer installed on the customer's side of the water meter. The customer shall own and maintain the backflow preventer. All wastewater service lines shall have a suitable sewer clean-out installed at the right-of-way limit or easement limit. The customer shall own and maintain the clean-out.

(d) Any installation of, or change to, the connection at the meter on the customer's side shall be the responsibility of the customer, provided all such work shall be performed under the supervision of the county. The county reserves the right to maintain and replace meters.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-11. Contracts for water and wastewater service.

The county and the board of commissioners shall be expressly authorized and empowered to contract for a period not exceeding 50 years with any public agency, public corporation, county, town or authority, and they with the county, for water, sewer or other activities and transactions as such subdivisions are by law authorized and any and all contracts concerning water and sewage heretofore so entered into by the county or the board of commissioners, are expressly ratified and approved. That contract may be extended for an additional period if changes in the law occur during the contract running period. This authorization shall be cumulative of all other powers authorized and delegated to the county, the board of commissioners and other governmental subdivisions, cities, towns and counties by other laws of whatever kind and nature and this enactment shall not limit or restrict such power or authority in any way. Nothing in this section shall be construed to require the exercise of the powers and authority so authorized.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-12—98-19. Reserved.

#### DIVISION 2. DEFINITIONS

Sec. 98-20. Definitions.

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

*Air gap* means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel—in no case less than one inch (2.54 cm).

*Approved backflow prevention assembly* means an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association.

*Authorized flow* means total wastewater discharge treatment capacity available to provide service within a wastewater treatment plant system as determined by EPD through NPDES permits issued to the WWTP(s) operating within said system.

*Authorized representative of nondomestic user* means: (1) a president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions, or (2) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000.00 (in second-quarter 1980 dollars), if authority has been assigned or delegated to the manager in accordance with corporate procedures if the nondomestic user is a corporation; a general partner or proprietor if the nondomestic user is a partnership or sole proprietorship, respectively; or a duly authorized representative of the individual designated above if (1) the authorization is made in writing by the individual designated above, or (2) the authorization specifies either an individual or position having responsibility for the overall operation of the facilities from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matter for the company; and the written authorization is submitted to the county.

*Auxiliary water supply* means any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary water supplies may include water from another spring, river, stream, harbor, etc., or used waters or industrial fluids. These natural waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

*Backflow* means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable supply of water from any source or sources.

*Backflow preventer* means an approved backflow prevention assembly as defined in this division.

*Biochemical oxygen demand* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

*Board of commissioners* means the duly elected Board of Commissioners of Rockdale County, Georgia.

*Building drain* means that part of the piping of a building which collects wastewater inside the walls of the building and conveys it to outside the building wall.

*Capital cost recovery* charge and *CCR* means a charge assessed to new users of the wastewater or water systems based on a fair and reasonably proportionate share of the capital costs of said system attributable to user demands on said system.

*Chairperson* means the chairperson of the board of commissioners.

*Commercial waste* means nontoxic, non-hazardous liquid wastewater from commercial facilities. Fats, oil, grease, food scraps and other grease trap contents generated by a food service establishment or institutional food preparation facility. Any waste residue produced from vehicle washing that discharges to a sand trap or interceptor.

*Commercial waste generator* means a commercial establishment that generates commercial waste.

*Contamination* means an impairment of the quality of the water.

*County* means Rockdale County, Georgia, a political subdivision of the State of Georgia or the Rockdale County Board of Commissioners.

*Cross-connection* means any unprotected connection or structural arrangement between a public or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any contaminate.

*Customer* means every person, firm or organization responsible for contracting (expressly or implicitly) with the county in obtaining, having or using wastewater connections to the county wastewater system and in obtaining, having or using water or other related services furnished by the county for the purpose of disposing of wastewater through such system.

*Department* means Rockdale Water Resources, which operates the Rockdale County Water System and the Rockdale Wastewater System.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the waters of the state.

*Director* means the director of Rockdale Water Resources or that person's designee.

*Domestic user* means any user of the county wastewater system who discharges wastewater into the wastewater system from a residential unit.

*Domestic wastewater* means that wastewater discharged into the wastewater system from domestic sources such as toilets, washing machines, dishwashers, sinks, showers and bathtubs from normal household usage.

*Drainage basin* means an area defined by topography within which any water that falls is tributary to the specified watercourse as shown on an official map identifying the drainage basins existing within the county promulgated and maintained by the county.

*Double check valve backflow prevention assembly* means an assembly composed of two independently acting, check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard (i.e. pollutant).

*Degree of hazard* means a term for evaluating the potential risk to public health based on available information and categorization of potential sources of pollution or contamination and the adverse effect of the contamination or pollution upon the potable water system.

*Environmental Protection Agency* and *EPA* means the U.S. Environmental Protection Agency.

*Environmental protection division* and *EPD* means said division within the State of Georgia Department of Natural Resources.

*Existing flow* means actual wastewater treatment plant flow as reported to EPD adjusted by the director to account for extreme weather events and previously approved wastewater allocations.

*Fats, Oils and Grease (FOG)* means material recovered as a substance soluble in a solvent using an EPA approved method for analysis for oil and grease from animal, vegetable, and hydrocarbons of petroleum origin.

*Federal categorical pretreatment standard* and *Federal pretreatment standard* means any regulation containing discharge limits promulgated by the EPA in accordance with pretreatment standards cited in the Clean Water Act.

*Floatable oil and grease* means oil, fat or grease in a physical state such that it will separate by flotation from wastewater.

*Food service establishment* means establishments for the preparation or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes but is not limited to restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunch rooms; places manufacturing, wholesaling, or retailing sandwiches, salads or other fast foods; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith; and similar facilities by whatever name called.

*Grab sample* means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

*Grease trap or interceptor* means a structure or device designed and installed to separate and remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the wastewater collection system by gravity.

*Grit* means matter consisting of sand, gravel, cinders, or other heavy solid materials that has settling velocities or specific gravities greater than those of organic putrescible solids normally encountered in domestic wastewater.

*Hazardous waste* means any waste exhibiting hazardous characteristics as defined in 40 CFR 261.

*Health department* means the county department of health.

*Health hazard* means any condition, device or practice affecting the water supply system and its operation which could create a danger to the health the public.

*High strength wastewater* means wastewater which contains quantities of specified constituents which exceed the quantities normally encountered in domestic wastewater (see section 98-170).

*High strength wastewater surcharge* means the charge made in excess of the normal wastewater service charge for all high strength wastewater (see subsection 98-170(a)).

*Holding tank waste* means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

*Industrial fluids* means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into a wastewater system or a water supply. This may include, but not limited to: polluted or contaminated used waters; all types of process waters and used waters originating from the public potable water system which may deteriorate in sanitary quality; chemical in fluid form; plating acids and alkalis; circulated cooling water connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation to canals or systems, etc.; oils, gases glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for fire fighting purposes.

*Infiltration* means groundwater which leaks into the wastewater system through cracked pipes, joints, manholes or other openings.

*Inflow* means water that flows into the wastewater system from the surface, streams, roof drains, downspouts or other such source.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts a wastewater treatment plant its treatment processes or operations, or its sludge processes, use or disposal.

*National pollution discharge elimination system permit* and *NPDES permit* means a permit issued pursuant to section 402 of the Clean Water Act (33 USC 1342).

*Natural outlet* means any outlet, including storm sewers, watercourses, ponds, ditches, lakes or other bodies of surface water or groundwater.

*New source* means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under the Clean Water Act.

*Nondomestic user* means any user of the county wastewater system who discharges wastewater into the wastewater system from a structure other than a residential unit.

*Nondomestic wastewater* means the wastewater generated from nondomestic users as distinct from domestic or sanitary wastes.

*Pass through* means a discharge which exits a wastewater treatment plant into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the wastewater treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation).

*Permitted flow* means the wastewater flow authorized by the NPDES permit governing operations at a wastewater treatment plant.

*Person* means any individual, partnership, copartnership, firm, organization, company, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

*Pit privy* means a pit in the earth used for the disposal of human or animal wastes.

*Premises* means any location where there is a water service connection or a wastewater service connection.

*Pretreatment* and *treatment* means the reduction of pollutants the in wastewater to a less harmful state prior to or in lieu of discharging.

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment imposed on a nondomestic user.

*Properly shredded garbage* means the wastes from the preparation, cooling and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* means a common sewer system or portion thereof controlled by a governmental agency or public utility, in this case the county.

*Reduced pressure zone backflow prevention assembly* means an assembly containing two independently acting check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e. pollutant) or a health hazard (i.e. contaminant). This device shall be permitted to be installed where subject to continuous pressure conditions.

*Response plan* means a comprehensive enforcement guide which designates alternative enforcement options for each type or pattern of noncompliance as developed by the county.

*Sand trap or interceptor* means a structure or device designed primarily for the accumulation and removal of grit or sand.

*Septic tank* means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

(1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and

(2) A subsurface system of trenches, piping and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed or filtered.

*Sewer* and *sewage and wastewater* and *sanitary sewer* mean the spent water of a community, and shall be interpreted to include the pipe or conduit or conveyance system that carries said spent water.

*Sewer service lateral* means the extension from the building drain to the public sewer or other place of disposal, also called "house connection."

*Significant industrial user* means:

(1) Except as provided in subsection (2) below, shall apply to:

a. Industrial users subject to categorical pretreatment standards;

b. Any other industrial user that:

1. Discharges an average of 25,000 GPD or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

2. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

3. Is designated as significant by the county on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement.

(2) Upon finding that an industrial user meeting the criteria in subsection (1)b above has no reasonable potential for adversely affecting the wastewater treatment plant's operation or for violating any pretreatment standard or requirement, the county may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*Standard industrial classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

*Storm drain* and *storm sewer* means a conduit for conveying surface water, groundwater or subsurface water from any source.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Surcharge* means a separate charge by the county for the handling and treatment of high strength wastewater.

*System conveyance availability* means that adequate physical conveyance capacity exist to transport existing and projected new flow to the wastewater treatment plant or convey water supply from the water treatment plant.

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency (EPA).

*Used water* means any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

*Wastewater.* See "sewer."

*Wastewater allocation* and *allocation* means apportioning wastewater treatment capacity to a specified type and intensity of use at a specified location within a particular wastewater treatment plant system in accordance with the procedures of chapter 98 article III.

*Wastewater availability* means that existing flow within a wastewater treatment plant system is less than 95.00 percent of authorized flow within said system, provided remaining system authorized flow is at least 50,000 GPD.

*Wastewater connection permit* means a conditional permit issued by Rockdale Water Resources authorizing wastewater service for a specific wastewater allocation subject to its terms and conditions and stating that all associated fees and charges, including capital cost recovery charges, have been paid.

*Wastewater plant availability* means that the individual treatment plant has not exceeded 95.00 percent of its available capacity to accept additional wastewater.

*Wastewater system* and *wastewater facilities* mean the total wastewater disposal facilities owned and operated by the county, including all structures, equipment and processes required to collect, carry away and treat domestic and nondomestic wastewater and to dispose of the effluent, as well as the administrative framework which operates those facilities.

*Wastewater system availability* means that the total available flow capacity within the county's wastewater system has not exceeded 95.00 percent of its available capacity, based upon the calculation of system capacity remaining after average daily flow, pre-paid capacity requests which have not been connected to the system and inflow and infiltration allowances have been subtracted from total waste water system capacity. The county's wastewater system is composed of all county owned wastewater treatment plants within Rockdale County.

*Wastewater treatment plant system* means that portion of the wastewater system that is connected to one or more wastewater treatment plants, including said plant(s).

*Water and wastewater system* and *county water and wastewater system* means the total county water system and county wastewater system considered in the aggregate as a whole.

*Wastewater treatment plant or WWTP* means a facility or plant which receives influent wastewater and treats it to a level acceptable to EPD to allow discharge of the effluent to a surface water.

*Water purveyor* means a supplier of water, including the department, but also includes property owners supplying water for their own use.

*Water service connection* means the terminal end of a service connection from the public potable water system, (i.e., where the water purveyor may lose jurisdiction and sanitary control of the water at its point of delivery to the customer's water system). If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter. Water service connection shall also mean water service connections from fire hydrants and all other temporary or emergency water service connections from the public potable water system.

*Water system* and *water facilities* mean the total water treatment and distribution facilities owned and operated by the county, including all structures, equipment and processes, as well as the administrative framework which operates those facilities.

*Watercourse* means a natural or artificial channel for the passage of water, either continuously or intermittently.

*Waters of the state* means all streams, lakes, ponds, marshes watercourses waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Georgia or any portion.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 2016-10, § 1, 9-27-2016; Ord. No. 2017-08, §§ 1, 2, 5-23-2017)

Sec. 98-21. Abbreviations.

When used in this chapter, the following abbreviations shall have the designated meanings:

|  |  |
| --- | --- |
|  |  |
| BOD | Biochemical oxygen demand |
| CFR | Code of Federal Regulations |
| COD | Chemical oxygen demand |
| CCR | Capital Cost Recovery Charge |
| CWA | Clean Water Act |
| DSS | Domestic sewage study |
| EPA | Environmental Protection Agency (federal) |
| EPD | Environmental Protection Division (State of Georgia) |
| GPD | Gallons per day |
| l | Liter |
| mg | Milligrams |
| mg/l | Milligrams per liter |
| NPDES | National Pollutant Discharge Elimination System |
| O&M | Operation and maintenance |
| OSHA | Occupational Safety and Health Administration |
| PIRT | Pretreatment implementation review task force |
| POTW | Publicly owned treatment works |
| psi | Pounds per square inch |
| RWR | Rockdale Water Resources |
| SIC | Standard industrial classification |
| TSS | Total suspended solids |
| UDO | Unified Development Ordinance |
| USC | United States Code |
| WPCP | Water pollution control plant |

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-22—98-32. Reserved.

### ARTICLE II. WATER SYSTEM

#### DIVISION 1. STANDARDS FOR DELIVERY OF WATER SERVICES

Sec. 98-33. Separate water meters.

(a) Each separate house, duplex unit, office, garage apartment, or other structure, whether domestic or nondomestic, shall be served by a separate water meter unless otherwise specifically exempted by the board of commissioners or otherwise provided in this chapter.

(b) Shopping centers and similar developments serving multiple nondomestic tenants shall be served by a single master meter.

(c) Each residential unit in a multi-family development, including apartments, condominiums, townhomes, and mixed-use developments with a residential component, shall be furnished with a sub-unit meter in addition to the master meter for the development. Such sub-unit water meters shall be installed, owned and managed by the property owner.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-34. Water connection.

(a) *Water service connection application.* Water service shall not be established by the county to any property without proper application having first been made to the department on forms provided by the department. All applications shall be made by the owner, agent or occupant of the property to be served. No water service shall be established or connected until said application is reviewed and approved by the director consistent with all pertinent requirements of this chapter. All rates, connection fees and charges shall be paid as provided herein or otherwise established by the board of commissioners.

(b) *Fees.* Applicants requesting connection to the county water system must first pay all applicable fees and charges associated with the application process. These include but are not limited to administrative water meter purchase/installation, field inspections, and capital cost recovery charges (CCR). A complete listing of applicable fees and charges may be found in the rate schedule maintained on file in the office of the board of commissioners.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-35. Water rates/independent water systems.

(a) The following regulations shall apply to independent water supply systems buying water from the county:

(1) *Definition of water supply system.* A supply system which has been certified and sanctioned by the State of Georgia pursuant to the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et seq.).

(2) *Requests.* Each request for water by such a water supply system shall be evaluated based on the anticipated user's needs and the county's ability to meet the needs of the user.

(3) *Minimum and maximum use.* If the county grants assistance to the requesting water supply system, the minimum established under this article shall be billed to the user whether or not that amount is actually used by the system.

a. *Minimum.* A minimum amount of water to be allowed the user shall be established by the county at the time the county decides to assist the user.

b. *Maximum.* The maximum number of gallons which may be supplied to the using system shall be three times the minimum usage.

(4) *Rates.* Using systems shall pay for the minimum use gallons established in this section, whether or not the water is actually used, at a rate of 100 percent of the current water rate. Usage of water over the minimum amount and up to the maximum amount allowed shall be charged at the same rate.

(5) *Usages over the maximum.* Usage of water in excess of the maximum amount established in this section shall not be allowed except by special request to the director and then only for a designated time period. If the special request for above the maximum usage is granted by the director, the rate of charge shall be that in effect at the time of the request.

(6) *Ability.* The county shall furnish water under this section subject to the discretion of the county based upon the water supply needs of county customers.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-36. Billing and water disconnection.

(a) All water bills shall be due and payable by the date specified on the bill. Failure to pay the bill by the due date shall result in the imposition of such delinquent penalties as fixed from time to time by the county.

(b) Unless otherwise provided in this article, the bill shall be delinquent and service may be disconnected by order of the director when the bill becomes more than 30 days delinquent, provided no service shall be disconnected prior to being given notice.

(c) Unless otherwise provided in this article, any customer whose water service has been cut off or disconnected by the county shall not have water service restored until all fees and charges due are paid in full and an additional fee for reconnection of service as fixed from time to time by the county is paid. Reconnections made after regular business hours and on weekends shall be made only upon customer's request and for the established after hours reconnect fees.

(d) Unless otherwise provided in this article, the chairman of the board of commissioners or his designee shall be vested with the authority to determine any and all cases of hardship and waive any penalties stated in this article or chapter.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-37. Reserved.

Editor's note(s)—Ord. No. 2007-29, § 6, adopted Dec. 20, 2007, deleted § 98-37 in its entirety. Former § 98-37 pertained to damaging or tampering with water meter or water lines; discontinuing services and derived from Ord. No. 2007-07, § 1, adopted Mar. 27, 2007.

Sec. 98-38. Reserved.

Editor's note(s)—Ord. No. 2007-29, § 6, adopted Dec. 20, 2007, deleted § 98-38 in its entirety. Former § 98-38 pertained to appeal of service disconnection; notice of contested charges; hardship cases; meter tests and derived from Ord. No. 2007-07, § 1, adopted Mar. 27, 2007.

Sec. 98-39. Landlord's water liability.

The county shall not hold responsible any owner or landlord for indebtedness of a prior owner, prior occupant, or prior lessee. The county shall hold responsible and seek reimbursement for unpaid charges only from the person who incurred the charges. The county shall not impose a lien against real property to secure unpaid charges for water or wastewater service unless the owner of such real property is the person who incurred the charges.

The county shall hold landlords responsible for repairing water leaks, prior to a tenant's move-in, and applying for service instead of tenant until leak is confirmed repaired. After water or wastewater leak repair is confirmed and landlord has paid final water/wastewater bill, said tenant can then apply for establishment of water/wastewater service.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 0-2019-14, § 1, 5-28-2019)

Sec. 98-40. Procedures during periods of water shortage and drought.

(a) In order to maintain adequate pressure and supply for customers of the water system, the director may implement demand management measures consistent with demand management measures implemented by either the State of Georgia, Department of Natural Resources, Environmental Protection Division, the Atlanta Regional Commission, the water system's water conservation plan, the water system's drought management plan, or the provisions of water supply contracts with third parties, individually or collectively. Subject to the foregoing, the director, upon determining adequate pressure and water supply cannot be maintained by the system, may implement demand management measures.

(b) The board of commissioners shall be presented the demand management measures implemented by the director for consideration and upon ratification the measures shall become effective. The measures shall remain in effect until the conditions prompting implementation have diminished sufficiently to eliminate concern and/or the agencies, plans or contracts referenced in subsection (a) of this section authorize the discontinuance of such measures. The director shall be authorized to discontinue the demand management measures subject to the provisions of this section.

(c) The public shall be notified through the news media of the demand management measures as ratified by the county. Additional notification may be provided by mailing notices with monthly water bills or by posting notices at the office of the board of commissioners or on the county's official website or by other means determined by the director.

(d) It shall be a violation of this section for any person to engage in any activity that is prohibited by the demand management measures ratified by the board of commissioners. It shall be a violation of this section for any water customer to cause or permit any activity at the water customer's address for water service that is prohibited by such measures. It shall be the final responsibility of the water customer for the water service address of the customer to ensure that no activity is conducted at the address of the customer that is in violation of such measures.

(e) For purposes of this section, the term "outdoor water usage" shall be defined as lawn and garden watering, noncommercial washing of motor vehicles and the filling of swimming pools.

(f) Any person in violation of this section shall be guilty of an ordinance violation and may be punished by a fine of not more than $1,000.00. However, for any first alleged violation of this section, a written warning will be given. Subsequent violations will result in the issuance of a citation.

(g) The director shall have the authority to terminate water service for a water service address upon two convictions under this section 98-40 related to that water service address.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-41. Water efficiency.

(a) *Kitchen faucet or kitchen faucet replacement aerator.* A kitchen faucet or kitchen faucet replacement aerator that allows a flow of no more than 1.8 gallons of water per minute at a pressure of 60 pounds per square inch and conforms to the applicable requirements in ASME A112.18.1/CSA B125.1.

(b) *Lavatory faucet or lavatory faucet replacement aerator.* A lavatory faucet or lavatory faucet replacement aerator that allows a flow of no more than 1.2 gallons per minute at a pressure of 60 pounds per square inch and is listed in the Water Sense High-Efficiency Lavatory Faucet Specification.

(c) *Landscape irrigation.*

(1) *Flow sensor.* An inline device in a landscape irrigation system that produces a repeatable signal proportional to flow rate.

(2) *Lawn or landscape irrigation system.* An assembly of component parts that is permanently installed for the controlled distribution of water to irrigate landscapes such as ground cover, trees, shrubs, and other plants. Lawn and landscape irrigation systems refer to the same system.

(3) *Master shut-off valve.* An automatic valve such as a gate valve, ball valve, or butterfly valve) installed as part of the landscape irrigation system capable of being automatically closed by the Water Sense controller. When this valve is closed water will not be supplied to the landscape irrigation system.

(4) *Pressure regulating device.* A device designed to maintain pressure within the landscape irrigation system at the manufacturer's recommended operating pressure and that protects against sudden spikes or drops from the water source.

(5) *Rain sensor shut-off.* An electric device that detects and measures rainfall amounts and overrides the cycle of a landscape irrigation system so as to turn off such system when a predetermined amount of rain has fallen.

(6) *Water Sense irrigation controller.* Is a weather-based or soil moisture-based irrigation controller labeled under the U.S. Environmental Protection Agency's Water Sense program, which includes standalone controllers, add-on devices, and plug-in devices that use current weather data as a basis for scheduling irrigation.

(7) *Water Sense spray sprinkler bodies.* A sprinkler body with integral pressure regulation, generating optimal water spray and coverage labeled under the U.S. Environmental Protection Agency's Water Sense program.

(d) *Shower head.* A showerhead that allows a flow of no more than the average of 2.0 gallons of water per minute at 80 pounds per square inch of pressure, is listed in the Water Sense Specification for Showerheads and meets the U.S. Department Definition of Energy definition of showerhead.

(Ord. No. O-2024-36, Part I, 12-10-2024)

Sec. 98-42. Maximum flow and water consumption.

Consistent with the general approach taken in Georgia, these Maximum Flow and Water Consumption requirements and related definitions in Section 98 of the plumbing code shall apply to all plumbing systems, including those in one- and two-family dwellings. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with table 98-42.1. Exceptions are blowout design water closets having a water consumption not greater than three and one-half gallons (13 L) per flushing cycle, vegetable sprays, clinical sinks having a water consumption not greater than four and one-half gallons (17 L) per flushing cycle, laundry tray sinks or service sinks and emergency showers and eye washing stations.

Table 98-42.1. - Maximum Flow Rates and Consumption for Plumbing Fixtures and Fixture Fittings

|  |  |
| --- | --- |
| Plumbing Fixture or Fixture Fitting | Maximum Flow Rate or Quantity |
| Lavatory faucet and replacement aerators, private | Water Sense labeled & 1.2 gpm at 60 psi |
| Lavatory faucet, public (metering) | 0.25 gallon per metering cycle |
| Lavatory, public (other than metering) | 0.5 gpm at 60 psi |
| Showerhead | Water Sense labeled & 2.0 gpm at 80 psi |
| kitchen faucet and replacement aerators | 1.8 gpm at 60 psig |
| Urinal | 0.5 gallon per flushing cyclef |
| Water closet | 1.28 gallons per flushing cyclec d e f |

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m,   
1 pound per square inch = 6.895 kPa.

(1) A hand-held shower spray is a shower head. As a point of clarification, multiple shower heads may be installed in a single shower enclosure so long as each shower head individually meets the maximum flow rate, the Water Sense requirements, and the U.S. Department of Energy definition of the showerhead. However, multiple shower heads are not recommended for water efficiency purposes.

(2) Consumption tolerances shall be determined from referenced standards.

(3) For flushometer valves and flushometer tanks, the average flush volume shall not exceed 1.28.

(4) For single flush water closets, including gravity, pressure assisted and electro-hydraulic tank types, the average flush volume shall not exceed 1.28 gallons.

(5) For dual flush water closets, the average flush volume of two reduced flushes and one full flush shall not exceed 1.28 gallons.

(6) See 2014 GA Amendment to Section 301.1.2 'Waiver from requirements of high-efficiency plumbing fixtures.'

(7) Kitchen faucets are permitted to temporarily increase the flow above the maximum rate, but not to exceed 2.2 gpm (8.3 L/m) at 60 psi (414 kPa) and must revert to a maximum flow rate of 1.8 gpm (6.8 L/m) at 60 psi (414 kPa) upon valve closure.

(Ord. No. O-2024-36, Part I, 12-10-2024)

Sec. 98-43. Clothes washers.

Residential clothes washers shall be in accordance with the Energy Star program requirements.

(Ord. No. O-2024-36, Part I, 12-10-2024)

Sec. 98-44. Cooling tower water efficiency.

(a) *Once-through cooling.* Once-through cooling using potable water is prohibited.

(b) *Cooling towers and evaporative coolers.* Cooling towers and evaporative coolers shall be equipped with makeup water and blow-down meters, conductivity controllers and overflow alarms. Cooling towers shall be equipped with efficiency drift eliminators that achieve drift reduction to 0.002 percent of the circulated water volume for counterflow towers and 0.005 percent for crossflow towers.

(c) *Cooling tower makeup water.* Water used for air conditioning, and cooling towers shall not be discharged where the hardness of the basin water is less than 1,500 mg/L. Exception: Where any of the following conditions of the basin water are present: total suspended solids exceed 25 ppm, CaC03 exceeds 600 ppm, chlorides exceed 250 ppm, sulfates exceed 250 ppm, or silica exceeds 150 ppm.

(Ord. No. O-2024-36, Part I, 12-10-2024)

Sec. 98-45. Landscape irrigation system efficiency requirements.

The requirements in section 98-45 apply to all new landscape irrigation systems connected to the public water system except those (a) used for agricultural operations as defined in the O.C.G.A. § 1-3-3, (b) used for golf courses, and (c) dependent upon a nonpublic water source. Nothing in this Code or this section 98-45 is intended to require that landscape irrigation systems must be installed at all premises. The landscape irrigation efficiency requirements in this section 98-45 apply only when someone voluntarily chooses or is otherwise required by some requirement beyond this Code, to install a landscape irrigation system on-premises.

(1) *Avoiding Water Waste through design.* All new landscape irrigation systems shall adhere to the following design standards:

a. Pop-up type sprinkler heads shall pop up to a height above vegetation level of not less than four inches above the soil level when emitting water,

b. Pop-up spray heads or rotary sprinkler heads tnust direct flow away from any adjacent surfaces and must not be installed closer than four inches from impervious surfaces.

c. Areas less than ten feet in width in any direction shall be irrigated with subsurface irrigation or by other means that produce no overspray or runoff.

d. Narrow or irregular shaped landscaped areas, less than four feet in any direction across opposing boundaries shall not be irrigated by any irrigation emission device except sub-surface or low flow emitters with flow rates not to exceed 6.3 gallons per hour.

(2) *Landscape irrigation system required components.* All new landscape irrigation systems shall include the following components:

a. A rain sensor shut-off installed in an area that is unobstructed by trees, roof overhangs, or anything else that might block rain from triggering the rain sensor shutoff.

b. A master shut-off valve for each controller is installed as close as possible to the point of connection of the water but downstream of the backflow prevention assembly.

c. Pressure-regulating devices such as valve pressure regulators, sprinkler head pressure regulators, inline pressure regulators, Water Sense spray sprinkler bodies or other devices shall be installed as needed to achieve the manufacturer's recommended pressure range at the emission devices for optimal performance.

d. Except for landscape irrigation systems serving a single-family home, all other systems must also include:

1. A Water Sense irrigation controller; and

2. At feast one flow sensor, which must be installed at or near the supply point of the landscape irrigation system and shall interface with the control system, when connected to the Water Sense controller will detect and report high flow conditions to such controller and automatically shut master valves. The flow sensor serves to aid in detecting leaks or abnormal flow conditions by suspending irrigation. High flow conditions should be consistent with manufacturers' recommendations and specifications.

(Ord. No. O-2024-36, Part I, 12-10-2024)

Sec. 98-46. Nonpotable water systems.

Connections to the water supply. Reclaimed water provided from a reclaimed wastewater treatment system facility permitted by the Environmental Protection Division may be used to supply water closets, urinals, trap primers for floor drains and floor sinks, water features, and other uses approved by the authority having jurisdiction, in motels, hotels, apartment and condominium buildings, and commercial, industrial, and institutional buildings, where the individual guest or occupant does not have access to plumbing. Also, other systems that may use a lesser quality of water than potable water such as water chillers, carwashes, or an industrial process may be supplied with reclaimed water provided from a reclaimed wastewater treatment facility permitted by the environmental protection division. The use of reclaimed water sourced from any new private reclaimed wastewater treatment system for outdoor irrigation shall be limited to golf courses and agriculture operations as defined in the O.C.G.A. § 1-3-3, and such reclaimed water shall not be approved for use for irrigating any other outdoor landscape such as ground cover, tree, shrubs, or other plants. These limitations do not apply to reclaimed water sourced from existing private reclaimed water systems or from existing or new, governmentally owned reclaimed wastewater treatment systems.

(Ord. No. O-2024-36, Part I, 12-10-2024)

Sec. 98-47. Water piping system design.

Because of the variable conditions encountered in hydraulic design, it is impractical to specify definite and detailed rules for the sizing of the water piping system. Accordingly, other sizing or design methods conforming to good engineering practice standards are acceptable alternatives to those presented herein. Without limiting the foregoing, such acceptable design methods may include for multi-family buildings the Peak Water Demand Calculator from the iAPMO/ANSI 2020 Water Efficiency and Sanitation Standard for the Built Environment, which accounts for the demands of water-conserving plumbing fixtures, fixture fittings, and appliances. If future versions of the Peak Water Demand Calculator include other building types, such as commercial, such updated version shall be an acceptable design method.

(Ord. No. O-2024-36, Part I, 12-10-2024)

Secs. 98-48—98-54. Reserved.

#### DIVISION 2. CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

Sec. 98-55. Short title, authority and applicability.

(a) This division shall be known and may be cited as the Rockdale County Cross-Connection Control and Backflow Prevention Ordinance.

(b) Rockdale County has the authority to adopt this article pursuant to article 9, section 2, paragraph I and article 9, section 2, paragraph III of the Constitution of the State of Georgia and Title 12, Chapter 5, Art. 3, Part 5 of the Official Code of Georgia Annotated, which is known as the Georgia Safe Drinking Water Act of 1977 and the Georgia Department of Natural Resources Rules for Safe Drinking Water, Ga. Comp. R. and Regs. Ch. 391-3-5 (the "Rules"), as amended.

(c) The following documents are adopted by reference as if set forth herein: the Rules; the Manual of Cross Connection Control, 9th ed., Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, 1993; the Recommended Practice for Backflow Prevention and Cross Connection Control, American Water Works Association Manual of Water Supply Practices, Manual 14, 2nd ed., 1990; the Georgia State Amendments to the Standard Plumbing Code, 2000 Edition; and the Cross Connection Control Manual, United States Environmental Protection Agency, June 1989.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-56. Purpose and intent.

(a) The purpose of this division is to protect the public health, safety, environment, and general welfare through the control of cross connections and backflow into the public potable water supply of Rockdale County. The public potable water supply will be protected from contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants which could backflow into the public water systems.

(b) It is the policy of the county board of commissioners to promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems.

(c) It is the policy of the county board of commissioners to provide for the maintenance of a continuing program of cross-connection control, which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(d) The county board of commissioners hereby delegates to the Department of Rockdale Water Resources the authority and responsibility for the implementation of an effective cross connection control program, for prevention of backflow and for the enforcement of the provisions of this division.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-57. Reserved.

Sec. 98-58. Water system.

This division shall apply to all water delivery facilities that provide potable water to the public for consumption. It is recognized that the county owns and/or operates and maintains some of these facilities and that the customer may own other of these facilities. The county's system shall consist of all those facilities of the water system used for production, treatment, storage, and delivery of water, (including the water meter), to the water service connection where the customer's system. The customer's system shall include those parts of the facilities beyond the termination of the county's system that are used in conveying potable water delivered by the department to customers, (including any required backflow prevention devices used in conjunction therewith).

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-59. Backflow prevention and cross connection control required.

The department shall not allow, install or maintain any water service connection to the county's system to any premises unless the water supply is protected from potential backflow and cross connection as required by the laws of the State of Georgia, the Rules of the Georgia Environmental Protection Division, the State of Georgia Plumbing Code and this division. An approved backflow prevention assembly shall be installed on each service line to a customer's system immediately downstream of the water meter or as close as physically feasible to the water meter. No backflow prevention assembly other than as specified in this section shall be allowed, installed or maintain without the express written approval of the director. If, in the judgment of the director, an approved backflow prevention assembly is required at either the customer's water service connection or within the customer's private water system for the safety of the county's system, the director shall give written notice said customer to install such an approved backflow prevention assembly(s) at a specific location(s) on his premises. The director's judgment shall be based on the rules and on all policies that the county may adopt to implement this division.

Within 30 days after receipt of written notice from the director that installation of cross connection protection or backflow prevention assemblies is required, a customer shall install such approved protection or assemblies at the customer's sole expense.

In all cases, a backflow prevention assembly shall be installed before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the department, the public water system shall be protected against backflow from the premises by installing an approved air gap or an approved reduced pressure principle backflow prevention assembly in the service line commensurate with the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substance are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the water purveyor's system which have been subject to deterioration in quality.

(3) In the case of premises having (1) internal cross connections that cannot be permanently corrected or protected against, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

(4) In the case of any premises where there is pollution or polluted water that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly.

(5) In the case of any premises where there is any contamination which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(6) In the case of any premises where there are actual or potential unprotected cross connections, the public water system shall be protected by an approved backflow prevention assembly at the water service connection.

(7) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each water service connection to the premises.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-60. Authority to discontinue service.

The director may discontinue water service to any premises when a backflow prevention assembly required by this division is not installed, tested and maintained. The director may also discontinue water service for failure, refusal, or inability on the part of the customer to install, have tested and maintain said assembly(s), for removal or bypass of said assembly(s) or if an unprotected cross connection exists on the premises. The director shall not allow water service to be restored until such conditions or defects are corrected.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-61. Inspection of customer's system.

The director shall have the right at any reasonable time to enter the customer's premises and to inspect the piping system or systems thereof for cross-connections and for compliance with this division and the county's backflow prevention policy, unless conditions exist as described in subsection 98-59(7) of this division. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the department to determine whether unprotected cross connections or other structural or sanitary hazards, including violations of this division, exist. When such a condition becomes known, the department shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the laws of the State of Georgia, regulations and codes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-62. Department approval required.

Any backflow prevention assembly required herein shall be a make, model and size approved by the department. The EPD and the department have approved the following testing laboratory to test and approve backflow prevention assemblies:

Foundation for Cross Connection Control and Hydraulic Research

University of Southern California

KAP-200 University Park MC-2531

Los Angeles, California 90089-2531

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-63. Field test, repair and replacement required.

It shall be the responsibility of the customer at any premises where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year thereafter. In those instances where the director deems the hazard to be great enough he/she may require field tests at more frequent intervals. These tests shall be at the expense of the customer and shall be performed by the department or by a certified tester approved the department. The director shall see that these tests are made in a timely manner. The customer shall repair, overhaul or replace defective assemblies at their expense. Records of such tests, repairs and overhaul shall be kept and made available to the director upon request.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-64. Existing approved assemblies may remain.

Backflow prevention assemblies that do not meet the requirements of this division but were approved by the testing laboratory identified in section 98-62 of this division and were installed before or on the effective date of this division may, in the discretion of the director, remain so long as the director is assured that said assemblies will satisfactorily protect the water purveyor's system. The customer shall be required to establish to the director's satisfaction that any such backflow prevention assembly has been properly maintained. Moreover, the inspection and testing requirements established in section 98-61 and section 98-63 of this division shall apply to any such backflow prevention assemblies. Whenever the existing device is moved from the present location or requires more than the minimum maintenance or when the director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this division.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-65. Authority to implement ordinance.

The director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this division. All such rules and policies shall be consistent with the provisions of this division.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-66, 98-67. Reserved.

#### DIVISION 3. FIRE HYDRANTS AND FIRE LINES

Sec. 98-68. Spacing of fire hydrants.

(a) *Public fire hydrant spacing.*

(1) All water mains in the county shall have fire hydrants installed at least every 500 feet. Hydrant distance shall be measured along the centerline of the street or roadway.

(2) In all nonresidential or mixed-use areas, in order to meet minimum required hydrant water flow, additional hydrants shall be installed where designated by the fire chief or authorized designee.

(b) *Private fire hydrant spacing.* Private fire hydrants shall be located so that all parts of a building are within 500 feet of one or more fire hydrants.

(c) *Variance.* Any variance for fire hydrant spacing must be approved by the fire chief or authorized designee. Such variances must be noted on appropriate site drawings.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-69. Fire lines.

(a) Any non-residential building or structure served by water lines designed, constructed, and dedicated for the sole purpose of fire sprinkler supply or private fire hydrants, shall be served by a double detector check valve/backflow preventer or reduced pressure zone backflow device as appropriate and determined by the director. All dedicated fire lines shall be either metered or equipped with a flow detection device. The customer will be billed monthly for the fire line connection. Any water usage detected on a full metered fire line or a fire line with a detector meter will be billed to the customer.

(b) Fire lines installed for residential or non-residential services shall be installed per Rockdale County Water Resources specifications. No other connections are allowed to a dedicated fire line that is intended for use other than that of fire suppression.

(c) Any fully metered fire line or a fire line with a flow detection device found to have more than three instances of usage over any given twelve month period will lose fire line status and assume domestic status due to the evidence of regular usage. Fire lines with flow detection devices will be required to be fully metered at the owner's expense. Once a fire line reaches domestic status, the customer will be subject to the current domestic base and volumetric rates. Further, once a fire line reaches domestic status, it can only reacquire fire line status after a period of one year has passed with less than four occurrences of usage.

(d) Procedures for billing.

1. All fire line users will be billed a monthly availability charge. There will be no volumetric charge for water usage associated with periodic testing of the fire suppression system when advanced notification of testing is provided to RWR.

2. Private systems owners who test fire hydrants will be allowed a once per year volumetric allowance for testing and flushing privately owned hydrants.

3. A special ordinance provision (section 98-269) is provided to address the billing of residential fire lines that are served by way of a master meter.

4. Structures equipped with fire lines that are receiving fire line service but are not being billed by RWR for such service shall be subject to fines and penalties as identified in Division 8 of Chapter 98 - Utilities Ordinances.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 2018-08, § 1, 5-8-2018)

Sec. 98-70. Reserved.

### ARTICLE III. WASTEWATER SYSTEM

#### DIVISION 1. GENERALLY

Sec. 98-71. Compliance with state and federal water pollution control laws.

This article sets forth uniform requirements for persons who cause wastewater to be discharged into the wastewater collection and treatment system of the county and enables the county to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403). The federally mandated objectives of this article are to:

(1) Prevent the introduction of pollutants into the county wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) Prevent the introduction of pollutants into the county wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) Improve the opportunity by the county to recycle and reclaim wastewater and sludges from the county wastewater system;

(4) Prevent the introduction of pollutants into the lands and waters of the county and provide for penalties and fines; and

(5) Provide for equitable distribution of the cost of the county wastewater system.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-72—98-88. Reserved.

#### DIVISION 2. WASTEWATER APPLICATION AND CONNECTION PROCESS; FEES AND RELATED CHARGES

Sec. 98-89. Wastewater service connection restrictions.

Notwithstanding any other provision in this chapter or the UDO to the contrary, each of the following restrictions shall apply to wastewater connection permits:

(1) No preliminary subdivision plat, land disturbance permit, building permit or other permit, for any use, project or development that requires or will require wastewater service shall be authorized or issued unless a wastewater connection permit specific to the use, project or development has been issued and validated by Rockdale Water Resources.

(2) All wastewater service connections shall require a two-step process. First, the entire wastewater connection permit application process shall be followed, including adherence to all procedures in this chapter, assignment of a wastewater allocation, and payment of all required fees and charges, including but not limited to the CCR. Second, the wastewater connection permit shall be validated by an authorized representative of the Rockdale Water Resources engineering division in the manner set forth in this article.

(3) Wastewater connection permits shall be strictly limited to the project identified on the face of said permit. Wastewater connection permits shall also be limited by all other restrictions associated therewith, including all time limitations.

(4) Wastewater connection permits shall not be transferred to any other location, use, or project.

(5) Wastewater connection permits shall be subject to all of the conditions on the face of the permit as well as all other restrictions found in this chapter 98.

(6) No wastewater connection permit shall be valid, and no property interest, vested right, or reliance of any kind shall in any way be associated with either said permit or the procedures for securing said permit set forth in this article, until said permit has been properly validated by Rockdale Water Resources. No rights whatsoever to connect to the wastewater system exist until a properly validated wastewater connection permit has been issued.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-90. Wastewater permit authorization when no availability exists.

(a) Except as authorized in subsection (b), no domestic or nondomestic wastewater connection permit shall be issued unless wastewater plant availability or wastewater system availability, as defined in section 98-20, exist.

If wastewater plant availability does not exist then that particular plant can only accept wastewater and issue connection permits under restricted conditions, pursuant to subsection (b). Restriction of plant capacity when no plant availability exists is required to ensure that the critical needs and the best interest of Rockdale County are addressed during the period required to reduce the wastewater treatment plant's capacity utilization to less than 95.00 percent. Once the wastewater treatment plant's capacity utilization is less than 95.00 percent of its authorized flow, provided that the remaining wastewater treatment plant system's authorized flow is at least 50,000 GPD, then the restrictions shall be removed and sewer connection permits made available to the general public.

If wastewater plant availability does not exist for two or more plants within the same wastewater treatment plant system, then the total available flow capacity within the county wastewater system must be evaluated to determine whether wastewater system availability exists.

(b) If wastewater plant availability or wastewater system availability does not exist, the director may authorize wastewater connection permits only for the following categories of users, subject to the restrictions listed below: development authorities located in Rockdale County or the City of Conyers; the Conyers-Rockdale Economic Development Authority; the Rockdale County Community Revitalization and Improvement Program; Rockdale County Sewer Relief and Residential Construction Support Program, which shall be used to provide sewer service to residential users with failing septic tank systems that cannot be feasibly repaired as determined by the county's health department, and, for new individual single-family detached residential users.

Under no circumstances shall wastewater connection permits authorized by this subsection result in a condition in which remaining system authorized flow within a wastewater treatment plant system is 50,000 GPD or less.

When "no wastewater system availability" exists, the following restrictions and allocation plans shall also apply to the remaining five percent of the county wastewater system's total capacity:

(1) Requests for wastewater connection permits authorized by this subsection shall not exceed five percent of the total remaining flow capacity within the county wastewater system, which includes the required capacity reservation of 50,000 GPD.

(2) Requests for wastewater connection permits by the Rockdale County Community Revitalization and Improvement Program shall be limited to 23 percent of the remaining five percent of the county wastewater system's total capacity.

(3) Requests for wastewater connection permits from the Rockdale County Sewer Relief and Residential Construction Support Program shall be limited to one percent of the remaining five percent of the county wastewater system's total capacity.

(4) Requests for wastewater connection permits from the Conyers-Rockdale Economic Development Authority shall not exceed 51 percent of the remaining five percent of the county wastewater system's total capacity.

(c) Requests for wastewater connection permits by a development authority identified in subsection (b) shall be subject to each of the following:

(1) Said requests shall be approved only by an intergovernmental agreement, which agreement may address connection to the county wastewater and water systems, CCR charges and other cost recovery fees, and other provisions to adequately protect the best interest of the water and wastewater systems;

(2) Said requests shall be accompanied by a resolution of the authority authorizing the request and certifying that the request is necessary to achieve unique and extraordinary revitalization, development or redevelopment within its jurisdiction consistent with all state and local laws applicable to the authority; and

(3) Said requests shall not exceed 20,000 GPD per development authority.

All requests for wastewater connection permits under subsection (b) shall adhere to the application and review requirements of this chapter, including article III and the connection requirements set forth in article I, except as otherwise provided in an intergovernmental agreement under subsection (c)(1). No wastewater connection permits shall be issued if any portion of the property subject to the requested permit is located within the areas designated to be served by septic systems only in the Rockdale County Water and Wastewater Master Plan.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 0-2007-18, § 1, 9-25-2007; Ord. No. 2017-09, §§ 1, 2, 5-23-2017)

Sec. 98-91. Procedures to obtain wastewater service.

No wastewater service shall be established or provided without proper application, evaluation of the requested wastewater allocation, and issuance and validation of a wastewater connection permit. The following procedures shall govern this process. These procedures may be implemented by additional administrative rules and requirements consistent with this chapter as established by the director.

(1) *Wastewater service connection application.* Wastewater service shall not be connected to any property without proper application having first been made to the department on forms provided by the department. No such application shall be tendered or accepted for initial review unless wastewater availability exists at the time of application under section 98-90. All applications shall be made by the owner of the land upon which a wastewater connection is desired, or the owner's authorized agent. The application shall be supplemented by the owner's drawings, plans, specifications, and other such information which, in the judgment of the director, is pertinent to the desired connection in accordance with the requirements set forth in article III. Wastewater connection service charges and all other fees and charges shall be paid as stipulated in article III. No wastewater service application may be tendered or accepted except in compliance with the procedures set forth in article III. No wastewater connection permit shall be issued or vali-dated unless a wastewater allocation has been secured pursuant to article III and wastewater availability exists on the date of such allocation. Available wastewater capacity shall be allocated subject to the provisions of article III and the provisions of this chapter 98.

Validation of a wastewater connection permit shall occur upon placement of an official marking on the face of said permit by an authorized representative of the Rockdale Water Resources engineering division indicating all fees and charges have been paid and all procedures completed, as well as the date and time of validation.

(2) *Evaluation of wastewater allocation requests and issuance of connection permits.* Wastewater allocations and connection permits shall be subject to the provisions particular to each of the project categories as follows:

a. *Process for an individual single family residential unit on a platted lot.* The procedure to obtain wastewater allocation and a connection permit for an individual single family residential unit on a lawful lot of record existing prior to March 28, 2007, shall require the requesting party to submit a completed application for wastewater service and connection as provided by Rockdale Water Resources. Applications will not be provided to the requesting party or accepted by Rockdale Water Resources if wastewater availability does not exist at the time of request for or submission of the application. Neither the determination of wastewater availability status nor the providing or acceptance of an application to the requesting party shall constitute any right whatsoever to a wastewater allocation or otherwise bind the county to provide wastewater service to the project. The application must be submitted to Rockdale Water Resources for review and approval. All application fees must be tendered with the application. If the application is approved by Rockdale Water Resources consistent with all requirements of this chapter, a wastewater allocation will be assigned for the requesting unit. No wastewater allocation shall be assigned unless wastewater availability exists on the date of assignment. Following assignment of allocation, and upon payment by the requesting party of all charges and fees, including CCR, the allocation shall be finalized and the wastewater connection permit validated by Rockdale Water Resources.

b. *Process for all other projects not requiring preliminary plat.* The procedure to obtain wastewater allocation and a connection permit for a project for which a preliminary plat is not required by Chapter 302 of the UDO shall require the requesting party to first obtain and submit a project description form as provided by Rockdale Water Resources. The project description form will not be accepted by Rockdale Water Resources if wastewater availability does not exist at the time of request for or submission of said form. Upon tender of a completed project description form to Rockdale Water Resources, the requesting party will be required to attend a joint pre-design meeting which will be scheduled by the department of public services and engineering and include Rockdale Water Resources. If the requesting party successfully completes pre-design review by appropriate county departments and if wastewater availability exists for said project, the requesting party will be issued an application form, as provided by Rockdale Water Resources, for wastewater service and connection. Neither the determination of wastewater availability status nor the providing or acceptance of an application to the requesting party shall constitute any right whatsoever to a wastewater allocation or otherwise bind the county to provide wastewater service to the project. The completed wastewater service and connection application will be accepted by Rockdale Water Resources only with concurrent submittal of land disturbance and construction plans and payment of all required charges and fees. If the application is approved by Rockdale Water Resources consistent with all requirements of this chapter, a wastewater allocation will be assigned for the project. No wastewater allocation shall be assigned unless wastewater availability exists on the date of assignment. Following assignment of allocation, and upon payment by the requesting party of all charges and fees, including CCR, the allocation shall be finalized and the wastewater connection permit validated by Rockdale Water Resources.

c. *Process for projects requiring preliminary plat.* The following wastewater allocation and connection permit procedures shall apply to all projects for which a preliminary plat is required by Chapter 302 of the UDO:

1. The requesting party shall obtain and complete a project description form as provided by Rockdale Water Resources. The project description form will not be accepted by Rockdale Water Resources if wastewater availability does not exist at the time of request for or submission of said form.

2. Upon tender of a completed project description form to Rockdale Water Resources, the requesting party will be required to attend a joint pre-design meeting which will be scheduled by the department of public services and engineering and include Rockdale Water Resources. The project description form shall be submitted no later than 48 hours prior to the scheduled pre-design meeting.

3. If the requesting party successfully completes pre-design review by appropriate county departments and if wastewater availability exists for said project, the requesting party will be issued an application form, as provided by Rockdale Water Resources, for wastewater service and connection. Neither the determination of wastewater availability status nor the providing or acceptance of an application to the requesting party shall constitute any right whatsoever to a wastewater allocation or otherwise bind the county to provide wastewater service to the project.

4. Upon successful completion of steps 1. through 3. above, the requesting party shall proceed with the process necessary to secure a preliminary plat as provided by Chapter 302 of the UDO. The preliminary plat shall be submitted to the public services and engineering department in accordance with Chapter 302. Technical review of the preliminary plat is required from both public services and engineering and Rockdale Water Resources. Upon approval of technical review of the preliminary plat by all departments and prior to the submission of the preliminary plat to the Conyers Rockdale Planning Commission for hearing and action, the requesting party shall submit the completed application form referenced in paragraph (iii) above to Rockdale Water Resources. If the application is approved by Rockdale Water Resources consistent with all requirements of this chapter, a wastewater allocation will be assigned for the project. No wastewater allocation shall be assigned unless wastewater availability exists on the date of assignment. Following assignment of allocation, and upon payment by the requesting party of all charges and fees, including CCR, the allocation shall be finalized and the wastewater connection permit validated by Rockdale Water Resources. The validated wastewater connection permit shall be immediately transmitted by the requesting party to the department of public services and engineering. Said transmittal must occur prior to the meeting of the Conyers Rockdale Planning Commission for which the preliminary plat is presented for approval. Failure by the requesting party to secure and transmit the validated wastewater connection permit prior to the planning commission meeting in question will result in automatic termination of the wastewater allocation and the wastewater connection permit and denial of the preliminary plat, provided that the planning commission shall have the authority to defer final action on the preliminary plat for good cause shown until its next regularly scheduled meeting and provided further that no more than one such deferral shall be authorized and that the 60 day refund period set forth in subsection 98-94(a) shall be tolled for the period of said deferral.

5. The decision on the final preliminary plat approval shall be made by the Conyers Rockdale Planning Commission in accordance with the applicable requirements of Chapter 302 and this chapter.

6. In the event the preliminary plat is not approved by the Conyers Rockdale Planning Commission, the wastewater allocation and the wastewater connection permit shall be immediately terminated and all charges and fees paid by the requesting party to Rockdale Water Resources for issuance of the wastewater connection permit shall be refunded except for the application fee attributable to processing said application.

d. *Process for projects within incorporated Rockdale County.* The following wastewater allocation and connection permit procedures shall apply to all projects partially or completely geographically located within the limits of the City of Conyers:

1. All of the procedures set forth in subsection 98-91(b)(1), (2) or (3) shall be followed according to the type of project requested, with the exception that required pre-design review meetings shall be conducted by appropriate city personnel rather than the Rockdale Department of Public Services and Engineering, and the transmittal of validated wastewater connection permit shall also be to said appropriate city personnel.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-92, 98-93. Reserved.

Sec. 98-94. Wastewater system charges and fees.

(a) *Capital cost recovery charge.* All wastewater allocations shall be assessed a capital cost recovery charge ("CCR"). The CCR applicable to the wastewater allocation and connection permit shall be paid by the requesting party in accordance with the applicable provisions of section 98-91 of this article. In the event the CCR is not paid at the time specified by section 98-91 of this article, the wastewater allocation for which the CCR is due will be denied and become null and void, will not be allocated to the requesting party, and the county will not be bound to provide wastewater service to the project in question.

A partial refund of the CCR paid to the county may be secured by the requesting party subject to the provisions of this paragraph. Ninety percent of the CCR will be refunded to the requesting party if a written request for refund is received by Rockdale Water Resources within 60 days from the date of issuance of the validated wastewater connection permit. Ten percent of the CCR shall be nonrefundable. If no written request for refund is received by the Rockdale Water Resources within said 60-day period, all of the capital cost recovery charges shall become the property of and be retained by Rockdale County for uses associated with its wastewater system and no refund of any kind shall be authorized.

(b) *Wastewater availability fee.* Upon the issuance of a validated wastewater connection permit, Rockdale Water Resources shall assign a specified number of sewer taps to the allocation set forth in said permit. In the event any sewer tap so assigned is not connected physically to the assigned domestic or nondomestic structure within three years from the date of issuance of the validated wastewater connection permit, each of the unconnected sewer taps will be assessed a monthly wastewater availability fee ("WAF"). The WAF will be equal to the monthly charge in effect at the time of assessment for the treatment of 6,000 gallons of wastewater by the county. The WAF will be assessed on a monthly basis until the sewer tap is physically connected to a structure and the account for said structure is activated for wastewater service. In the event the wastewater allocation represented by an unconnected sewer tap is surrendered to Rockdale Water Resources, no further WAF shall be incurred for that sewer tap. There shall be no refund issued for such returned wastewater allocations or the associated sewer taps.

(c) *Pump station maintenance fee.* A fee shall be assessed for pump stations to provide the county a means of funding pump station operating costs during the initial years of operation.

(d) *Application, administrative, inspection and other fees.* Additional fees may be charged and collected for applications, inspections, special administrative processes, and other matters, all as established by the board of commissioners.

(e) *Special administrative fees for wastewater pre-treatment participants system.* The county may adopt charges and fees relative to special administrative services as necessary, to include the following:

(1) Fees for reimbursement of costs of setting up and operating the county's pretreatment program;

(2) Fees for monitoring, inspection and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures;

(4) Fees for reviewing construction plans and completed construction;

(5) Fees for permit applications;

(6) Fees for filing appeals;

(7) Fees for consistent removal by the county of pollutants otherwise subject to federal pretreatment standards; and

(8) Other fees as the county may deem necessary to carry out the requirements of the nondomestic users program. These fees relate solely to the matters covered by this subsection and are separate from all other fees chargeable by the county.

(f) *Base rate fee.* A base rate fee shall be applicable to water or wastewater customers who have active water or wastewater accounts but have no measurable usage. Said base rate fee is applied to offset Rockdale Water Resources fixed costs associated with system operations.

(g) *Wastewater service charge for usage.* There are levied and assessed rates, fees and/or charges for the service, maintenance, operation and amortization of the county wastewater system, based on the amount of water consumed per month by each customer for whom wastewater service is available from the county. The charges for wastewater service shall be as shown in the rate schedule available at the office of the county clerk.

(h) *Surcharge for high strength wastewater.* See section 98-170 for provisions regarding the surcharge for high strength wastewater.

(i) *Holding tank (including septic tank) haulers and discharges.*

(1) A fee shall be charged for the permitting of authorized holding tank waste haulers.

(2) A fee shall be charged for the disposal of the contents of holding tanks, when authorized, into the county wastewater system.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-95—98-110. Reserved.

#### DIVISION 3. CONSTRUCTION STANDARDS

Sec. 98-111. Permit required for opening, altering or connecting to public wastewater facilities.

No person, other than authorized county employees or county authorized agent, shall uncover, make any connections to, use, alter, or disturb any public wastewater line, or appurtenance thereto, without first obtaining an approved set of plans, and a written permit from the director or his designee.

All new wastewater connections or taps constructed to provide wastewater service for applicant shall be made to existing county wastewater facilities.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-112. Wastewater connection.

Upon the issuance of a wastewater allocation by Rockdale Water Resources to a requesting party and payment of the applicable CCR all costs and expenses incidental to any necessary connection shall be borne by the requesting party. The requesting party shall indemnify the county against any loss or damage to the county water or wastewater facilities that may be directly or indirectly occasioned by the connection.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-113. Separate service to separate buildings.

(a) A separate and independent wastewater connection shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private wastewater line is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway.

(b) In the instance described in subsection (a) of this section, the front building water and/or wastewater line may be extended to the rear of the building and the whole considered as one building; however, in such case, the county does not and will not assume any obligation or responsibility for maintenance of or damage caused by or resulting from any such single connection.

(c) This section shall not apply to nondomestic users.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-114. Utilization of previously used wastewater pipes and materials.

Previously used wastewater pipes and materials may be utilized in connection with new buildings only when found, on examination and test by the director or his designee, to be in good, serviceable condition and to meet all requirements of this article.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-115. Compliance with technical codes.

The size, materials of construction, methods of construction, slope, and alignment of all wastewater facilities construction shall conform to the technical codes and specifications described in this section. To the extent that any conflicting provisions exist in these technical codes and specifications, the provisions of the earliest mentioned document shall prevail.

(1) Standard Plumbing Code if in effect in the county or the plumbing code in effect in the county as it presently exists or may be amended.

(2) Standard Building Code if in effect in the county or the building code in effect in the county as it presently exists or as it may be amended.

(3) One and Two-family Dwelling Code if in effect in the county or the dwelling code in effect in the county as it presently exists or as it may be amended.

(4) The current standards for residential and commercial development in the county as it presently exists or as it may be amended.

(5) Water Pollution Control Federation Manual of Practice No. 9, latest edition (for wastewater system construction).

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-116. Elevation of wastewater connections, check prior to pouring foundation.

It shall be the obligation of the owner of the building being connected to the county wastewater system to determine the elevations, grades and alignment of sewer lines necessary to serve the building prior to the pouring of the building foundation or footings, and to design and construct the connecting sewer in accordance with the information obtained. Whenever possible, a sewer service lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the county wastewater system, the wastewater carried by such building drain shall be lifted by the approved means into the county wastewater system. Operation and maintenance of such a lifting system shall be the sole responsibility of the property owner.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-117. Conditions to determine if building is served by the public wastewater system.

The county wastewater system is designed to provide gravity service to the ground level of buildings, and above. Basements and below grade living areas may or may not be served by gravity by the county wastewater system. A building is considered to be served by the county wastewater system for purposes set forth in this chapter whenever wastewater service is provided to the ground level floor.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-118. Connection of downspouts, drains, etc., to wastewater system prohibited.

No person shall make connections of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sewer service lateral or building drain which in turn is connected directly or indirectly to the county wastewater system.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-119. Wastewater construction requirements.

(a) *Construction procedures.* The following are construction procedures for wastewater connections:

(1) All pavement cuts shall be made by sawing prior to excavation to eliminate uneven and ragged edges.

(2) All backfill beneath roads, sidewalks or other paved areas shall be compared to 95 percent standard proctor using mechanical tamping equipment in six-inch lifts. It shall be the responsibility of the person making the wastewater connection to demonstrate to the director or his designated representative that 95 percent compaction has been obtained.

(3) All road cuts shall have an eight-inch thick concrete cap (3,000 psi in 28 days) which shall extend not less than 12 inches beyond the edges of the backfilled ditch.

(4) Final asphalt patches shall match the existing pavement type, quality and thickness as closely as possible. Special care shall be exercised to match the existing slopes and grades for a smooth transition.

(b) *Inspection of connections by the county.* The applicant for a sewer service lateral connection permit shall notify the director when the sewer service lateral is ready for inspection and connection to the county wastewater system. The connection and testing shall be made in the presence of the director or his designee.

(c) *Guarding excavations.* All excavations for sewer service lateral installation shall be adequately guarded with barricades and lights in compliance with all OSHA and State of Georgia Department of Transportation requirements so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to a good as new condition in a manner satisfactory to the county.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-120. Restoration of disturbed public property.

(a) All wastewater construction work conducted on the public right-of-way or any public property shall be conducted only with proper permission from the director.

(b) All disturbed areas as a result of such construction shall be restored to a condition that is as good as new. The scheduling of such construction activities shall be as approved by the director if such scheduling approval is determined to be in the public's best interest.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-121. Reserved.

Sec. 98-122. Limitation on construction of permanent structures near wastewater easements.

No permanent structures shall be constructed within ten feet of the edge of a permanent wastewater easement on front and rear setbacks, or within two feet on side setbacks.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-123. Capping and sealing of discontinued wastewater connections.

All wastewater service connections for which service has been discontinued as a result of the demolition of the structure being served by the connection, or for any other reasons, shall be properly and permanently capped and sealed to prevent the entrance of groundwater or surface water into the wastewater system.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-124. Wastewater lift stations.

(a) *Lift stations serving two or more structures.* All wastewater lift stations installed in the county which serve two or more structures shall be designed and constructed in strict conformity to the county standards. Engineering plans shall be prepared for all wastewater lift stations and such plans shall be approved by the Rockdale Water Resources prior to construction. Following the construction and acceptance by the county of a wastewater lift station, title to the lift station may be conveyed to the county subject to the discretion of and acceptance by the board of commissioners.

(b) *Lift stations serving a single building.* Unless otherwise approved by the county, all wastewater lift stations serving a single building shall be owned, operated and maintained by the building owner.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-125. All wastewater facilities construction plans must be approved by the county.

Rockdale Water Resources shall have review authority over all wastewater facilities constructed in the county. Thereafter, all wastewater facilities construction plans, whether in incorporated or unincorporated areas, shall be approved by Rockdale Water Resources prior to the commencement of construction.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-126—98-140. Reserved.

#### DIVISION 4. GENERAL USE OF PUBLIC WASTEWATER FACILITIES

Sec. 98-141. Generally.

(a) *Unauthorized connections prohibited.* No person shall make an unauthorized water or wastewater connection nor obtain unauthorized water or wastewater services. Persons making unauthorized connections or obtaining unauthorized service shall be subject to a fee as set forth in the county water and wastewater fee schedule, published separately, and shall also be punished as provided in subsection 98-248(a).

(b) *Requirements to prevent cross connections.* The construction and operation of all water and wastewater system piping shall be in such a manner so as to eliminate cross connections or the possibility thereof. It is the intent of this section to protect the public health by providing regulations whereby the possibilities for the contamination of the water supply due to cross connections with the wastewater system are greatly reduced or eliminated. For that reason the provisions and requirements contained in the county cross connection program are adopted herein by reference.

(c) *Malicious damage to equipment.* No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct and punished as provided by Rockdale County ordinance.

(d) Devices used to move sewerage from the building to the service lateral of the wastewater system are the responsibility of the property owner and will not be repaired or maintained by the county.

(e) Property owners are responsible for construction and maintenance of the service line from the premises served to the point of connection with the county service lateral.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-142. Wastewater system—Guidelines and prohibited discharges.

(a) *Toilets required.*

(1) No person shall dispose of human excrement except in a toilet. All toilets shall either be connected to the county wastewater system or to an approved private wastewater disposal facility that complies with the provisions of division 6 of this article.

(2) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the county and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the county, is required at the owners expense to install suitable toilet facilities therein. All toilet facilities shall be kept clean and in a sanitary working condition. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.

(b) *Discharge of polluted waters to a storm sewer or natural outlet prohibited.*

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the county or into any storm sewer or any sewer which connects to the storm sewer system of the county any polluted water or wastewater.

(2) It shall be unlawful to discharge to any natural outlet within the county any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article. No provision of this article shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.

(c) *Septic tanks and pit privies prohibited, except as provided in this article.* The use of septic tanks, privies or any other means of wastewater disposal other than into the county wastewater system is prohibited except as provided for in division 6 of this article.

(d) *Discharge of holding tank contents (including septic tanks) into county wastewater system regulated.*

(1) *General.* It shall be unlawful for any person, firm, corporation or entity to place, empty, dump, throw or otherwise discharge into any manhole, catchbasin or other opening into the county wastewater system, or any system connected with and discharging into the county wastewater system, the contents of any holding tank, including septic tank wastes, sludge, sewage or other similar matter or material, except as provided in subsection (f)(2) of this section.

(2) *Permit required.* The director is authorized to issue permits to discharge the contents of holding tanks and septic tanks (from both domestic and nondomestic sources) at locations specified by the director and under his supervision upon application to the director on a form provided by the county. Such permit shall stipulate the locations and times for which the permittee will be allowed to discharge septic tank wastes and to whom each load must be reported and what information (e.g., the source of the load) must be provided by the permittee when reporting.

(3) *Charges.* A charge shall be made for the privilege of discharging the contents of holding tanks and septic tanks, as provided in a separate fee schedule.

(a) *Charges.* A charge shall be made for the privilege of discharging the contents of holding tanks and septic tanks, as provided in a separate fee schedule.

(b) *County restrictions.* Only domestic waste originating/generated within Rockdale County will be allowed to discharge into the county wastewater system.

(4) *Manifest form.* All holding tank and septic tank waste haulers shall be required to complete a manifest form provided by the county regarding the quantity, nature and source of the waste being deposited in the county wastewater system.

(5) *Equipment required.* All equipment, such as trucks, tanks, pumps and hoses used in the collection and/or transportation of the contents of holding tank and septic tank waste shall be modern equipment in good repair.

(6) *Revocation of permits and other penalties.* Permits may be revoked at any time if, in the opinion of the chairperson or his designee, continued dumping of such matter into the county wastewater system will be injurious to the system or treatment processes. Permits may be suspended or revoked for willful, continued or persistent violations of this section.

(7) *Discharge of grease trap contents.* Discharge of grease trap contents into the county wastewater system is prohibited. (See section 98-168.)

(8) *Penalties.* In addition to possible suspension or revocation of a permit, any person violating any provision of this section shall, upon conviction, be punished as provided in section 1-11.

(e) *Requirement to mitigate infiltration/inflow.* It shall be the obligation of all users of the county wastewater system to reduce to the extent reasonably possible all infiltration and inflow. Infiltration and inflow shall be reduced by using watertight pipe and construction materials in all private portions of the wastewater system as well as those wastewater systems which are to be deeded to the county.

(f) *Prohibited discharges.* The prohibited discharges set forth in section 98-161 are incorporated herein by reference.

(1) Prohibited discharges. The prohibited discharges set forth in section 98-161 are incorporated herein by reference.

(2) Discharge from domestic septic tanks is not subject to BOD/COD concentration limits as identified in section 98-161.

(g) *Connection of private system users prohibited.* No discharges from a private water system shall be allowed to the county wastewater system.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 2017-15, §§ 1,2, 7-18-2017)

Sec. 98-143. Master plan.

A master plan for wastewater facilities shall be prepared by Rockdale Water Resources. Such master plan shall be reviewed and comprehensively updated as circumstances require or as directed by the director. Projected flows and recommendations contained in the master plan shall be consistent with the county comprehensive land use plan, available and accurate regional forecasts of population and employment, and any project specific information which is available at the time the plan is developed or updated. Water resources shall periodically compare flows being treated at the wastewater treatment facilities with the permitted capacities of the treatment facilities and shall project flows in each drainage basin over the following ten-year period. When these projections indicate that total flow will likely equal or exceed 85 percent of total authorized flow within the following five years, water resources shall prepare and submit to the board of commissioners for their review and action recommendations for expansion, and a detailed schedule including planning, design, permitting, construction and startup of needed proposed facilities.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-144—98-160. Reserved.

#### DIVISION 5. NONDOMESTIC (INDUSTRIAL; COMMERCIAL; INSTITUTIONAL) USE OF PUBLIC WASTEWATER FACILITIES

Sec. 98-161. Prohibited discharges.

(a) *General prohibitions.*

(1) A user may not introduce into any POTW any pollutant which causes pass through or interference. These general prohibitions and the specific prohibitions in subsection (b) of this section apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state or local pretreatment requirements.

(2) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The county may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

(b) *Specific prohibitions.* No person shall discharge or cause to be discharged any of the following described waters or wastes into the county wastewater system:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(2) Any waters, containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment facility.

(3) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment or personnel.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(6) Any waters or wastes containing odor-producing substances in sufficient quantity to cause the OSHA limits to be exceeded in the manholes, or any noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life or preventing entry into sewers for the maintenance, inspection, and repair thereof.

(7) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.

(8) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in quantities of flow, concentrations, or both which will cause interference with the POTW, or constitute a "slug," as defined in section 98-72.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.

(10) Any waters or wastes which, by interaction with other waters or wastes in the county wastewater system, release obnoxious gases, form solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(11) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) or causing the temperature at the influent to a treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius.)

(12) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.

(13) Oil (petroleum based, biodegradable cutting oil, products of mineral oil origin) in amounts causing pass through or interference.

(14) Any substance which may cause the water pollution control facility effluent or any other products of the water pollution control facility such as residues, sludges, or scums, to be unsuitable for reclamation and reuse.

(15) Any substance which will cause the water pollution control facility to violate its NPDES permit or the receiving water quality standards.

(16) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes, ink wastes, and vegetable tanning solutions.

(17) Any trucked or hauled pollutants, except as provided in section 98-142(f)(2).

(18) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(19) No user shall discharge wastewater which exceeds the concentration limits set forth below unless such discharger has been issued a permit by the county to discharge wastewater in excess of the limits set forth below. Such limits are instantaneous maximum allowable discharge limits.

Such limits are subject to revision in cases where pollutants contributed by users result in interference or pass through, and such violation is likely to recur, the county shall have the option to develop and enforce specific effluent limits for industrial users, and all other users, as appropriate which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

LOCAL CONCENTRATION LIMITATIONS FOR THE ROCKDALE COUNTY, GEORGIA

|  |  |
| --- | --- |
| Pollutant | Local Limits for Quigg Branch and Almand Branch Wastewater Facilities Daily Max (mg/L) |
| Arsenic | 0.29 |
| Cadmium | 0.005 |
| Chromium III | 3.3 |
| Chromium VI | 0.86 |
| Copper | 0.11 |
| Lead | 0.032 |
| Mercury | 0.001 |
| Nickel | 0.53 |
| Selenium | 0.09 |
| Silver | 0.11 |
| Zinc | 0.11 |
| Cyanide | 0.20 |
| TTO | 2.31 |
| BOD | 470 |
| COD | 620 |
| TSS | 230 |
| Ammonia Nitrogen | 50 |
| Total Phosphorus | 7.5 |
| Oil and Grease | 100 |
| pH | 10 s.u. |

If a TTO scan indicates that an organic compound is present at quantifiable levels greater than the parameter detection limit, then the director of the department of water resources shall determine the need to issue a discharge permit in order to control the concentration of the specific organic compound into the county wastewater system.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 2016-11, § 1, 9-27-2016)

Sec. 98-162. Federal and state requirements.

(a) *State laws and regulations.* Any laws or regulations promulgated by the State of Georgia relative to the construction or use of wastewater facilities which are more strict than the regulations provided in this Code are incorporated herein by reference, and such regulations may be enforced by the county.

(b) *Federal pretreatment standards.*

(1) The federal government has adopted regulations governing wastewater discharges from certain industries into publicly owned wastewater treatment works. These federal regulations are generally referred to as the federal pretreatment standards or the federal categorical pretreatment standards, as set forth in 40 CFR 403 et seq. Any portion of these federal standards which are more strict than the regulations provided in this Code are incorporated herein by reference, and such regulations may be enforced by the county.

(2) It is the affirmative obligation of all industrial users regulated by the federal pretreatment standards, inclusive of the federal categorical pretreatment standards, to comply with the federal standards whether or not the industry has received notification from the county or any other jurisdiction of the existence and nature of the federal standards.

(c) *Modifications to federal pretreatment standards.*

(1) From time to time the federal government may alter existing federal pretreatment standards or promulgate new standards. None of the provisions contained in this Code shall prevent the timely implementation of new or altered federal standards by the industries to whom the new or altered standards apply. Where new or altered federal standards are more strict than the standards presently being imposed by the county, the county may, without prejudice, immediately revise any industrial wastewater discharge permits to reflect the new or altered standards. If the industrial user is unable to immediately conform to the new or altered standards, a reasonable schedule for compliance shall be provided by the director of the department of water resources.

(2) Where the county's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the county may apply to EPD for modification of specific limits in the federal pretreatment standards. Consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2), General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Clean Water Act, as amended. The county may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the State of Georgia Environmental Protection Division is obtained.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-163. Wastewater questionnaire.

(a) All nondomestic users shall, upon the request of the county, complete and submit to the county a wastewater questionnaire. The wastewater questionnaire shall be on a form provided by the county and shall be used for the purpose of determining whether the industry is a significant contributing industry and for other purposes. The wastewater questionnaire shall include the following information:

(1) Name, address and location if different from the address.

(2) SIC number according to the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1972, as amended.

(3) Wastewater constituents and characteristics, including but not limited to those shown in subsection 98-161(b)(18).

(4) Time and duration of contribution.

(5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any.

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, wastewater connections and appurtenances by the size, location and elevation.

(7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the county, state or federal pretreatment standards, and a statement regarding whether or not the discharge standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable discharge standards.

(9) If additional pretreatment and/or operation and maintenance will be required to meet the discharge standards, the shortest schedule by which the user will provide such additional pretreatment must be set forth. The completion date in this schedule shall represent a reasonable time frame when considering the circumstances of each individual situation. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of the pretreatment facilities required for the user to meet the applicable discharge standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. The completion date for any pretreatment final compliance shall not exceed 12 months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the county, including, as a minimum, whether or not it has complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

(10) Each product produced by type, amount, process or processes and rate of production.

(11) Type and amount of raw materials processed (average and maximum per day).

(12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

(b) The county will evaluate the data furnished by the user and may require additional information.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-164. Sampling and testing procedures.

(a) *Sampling procedures.* When wastewater sampling is required by the county of any user for any purpose, the following sampling procedures shall be utilized:

(1) Except as indicated in subsection (2) below, the user must collect wastewater samples using 24-hour flow-proportional composite collection techniques where feasible. In the event flow-proportional sampling is infeasible, samples may be obtained through 24-hour time-proportional composite sampling or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Samples shall be taken of increments of not more than one hour, properly refrigerated and composited in proportion to the flow for a representative sample. The frequency of sampling, sampling chamber, metering device, sampling methods, and analysis of samples shall be subject, at any time, to inspection and verification by the county. Sampling and measuring facilities shall be such as to provide safe access for authorized personnel of the county for making such inspection and verification.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(b) *Testing procedures.*

(1) All wastewater monitoring samples required by the county shall be tested by an independent laboratory for the parameters required, with the results submitted to the county on the original laboratory report sheets signed by an authorized company representative. The requirement for utilization of an independent laboratory may be waived by the county when the required tests are performed by the county or other approved agency or when duplicate ("split") samples are provided to the county and the county's testing results of such duplicate samples show a reasonably good correlation with the user's in-house testing results.

(2) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-165. Significant contributing industries.

All significant contributing industries (see definition of significant contributing industry in section 98-72) that discharge process wastewater effluent into the county wastewater system shall comply with the following:

(1) *Sampling manhole.* In order to provide for accurate sampling and measurement of industrial wastes, each significant contributing industry shall provide and maintain on each of its industrial waste outlet sewers, a large manhole or sampling chamber to be located outside the plant. If inside the plant fence, there shall be a gate near the sampling manhole with a key furnished to the county. There shall be ample room provided in each sampling manhole to enable convenient inspection and sampling by the county, or its agent. In certain sampling manholes where noxious fumes may accumulate, the county may require a fume exhaust system to protect the life and health of the county employees who are required to enter the sampling manhole. The fume exhaust system shall extract the fumes from the bottom of the manhole and provide not less than one air change per minute. The manhole shall include a waterproof 120-volt (120V), single phase electrical outlet at or near the installation.

(2) *Provision for flow monitoring.* Each sampling manhole shall contain a properly installed primary flow monitoring device such as a Parshall flume, Palmer-Bowlus flume, or other similar device as is approved by the county. Plans of the proposed sampling manhole and monitoring device shall be prepared by a registered engineer and submitted to the county for review and approval.

(3) *Discharge permit required.* It shall be unlawful for any significant contributing industry, as determined under this article, to discharge wastewater into the county wastewater system without a county issued discharge permit.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-166. Discharge permits.

(a) *General.*

(1) All industries proposing to connect to or to contribute nondomestic wastewater to the county wastewater system shall apply for a wastewater discharge permit before connecting to or contributing to the county system.

(2) All existing nondomestic wastewater generating industries connected to or contributing to the county wastewater system shall apply for a wastewater discharge permit.

(3) All permitted users wishing to continue contributing to the county wastewater system beyond the expiration date of the current permit shall apply for a new wastewater discharge permit.

(4) Upon determination by the county, based on information contained in a permit application or other information at its disposal, that a nondomestic user should be issued a permit for its wastewater discharge an industrial user discharge permit shall be issued.

(b) *Application.* All users required to obtain a wastewater discharge permit shall complete and file with the county an application in the form described by the county and accompanied by a fee as set by the county from time to time. Existing users shall apply for a discharge permit within 60 days of notification by the county that a discharge permit is required. Proposed new users shall make application not less than 90 days prior to connecting to or contributing to the county wastewater system. Permitted users shall make application not less than 60 days prior to the expiration date of the current permit. Each discharge permit application shall be accompanied by a completed questionnaire as described in section 98-165.

(c) *Permit modifications.* Each nondomestic user must notify the county at least 60 days in advance of any significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater, or any other circumstances that may necessitate the issuance of a wastewater discharge permit where one does not exist, or cause the conditions in its discharge permit to become inaccurate or unrepresentative. Such changed circumstances include, but are not limited to: significantly altered production practices or processes, plant expansions or reductions or modifications to pretreatment facilities. Then and in that event, the industry shall apply to the county for a wastewater discharge permit or permit modification, as applicable.

(d) *Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the county.

(1) Wastewater discharge permits issued to industrial users identified as significant must contain the following:

a. Statement of duration;

b. Statement of transferability requirements;

c. Effluent limits based on applicable general and categorical pretreatment standards, local limits, and state and local law;

d. Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general and categorical pretreatment standards, local limits, and state and local law; and

e. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(2) Wastewater discharge permits may also contain, but need not be limited to, the following:

a. The unit charge or schedule of user charges and fees for the wastewater which is to be discharged by the permittee into the county wastewater system;

b. Limits on the monthly and/or daily average and maximum wastewater constituents and characteristics;

c. Limits on monthly and/or daily average and maximum rate and time of discharge or requirements for flow regulations and equalization;

d. Requirements for installation and maintenance of inspection and sampling facilities;

e. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

f. Compliance schedules;

g. Requirements for submission of technical reports or discharge reports (see subsection (h));

h. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified by the county and affording the county access thereto;

i. Requirements for notification of the county of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the county wastewater system;

j. Requirements for notification of accidental discharges as per section 98-169;

k. Requirements for flow monitoring devices;

l. Requirements for certification of pretreatment facility operator; and

m. If sampling performed by an industrial user indicates a violation, user shall notify the county within 24 hours of becoming aware of the violation. User also shall repeat the sampling and analysis and submit the results of the repeat analysis to the county within 30 days after becoming aware of the violation; and

n. Other conditions as deemed appropriate by the county to ensure compliance with this chapter.

(e) *Permit discharge appeals.* Any person, including the industrial user, may petition the county to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) If the county fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the superior court for the county within 30 days.

(f) *Suspension, revocation or denial.*

(1) *Procedure.* When the director has reason to believe that any one of the conditions enumerated in subsection (2) below exists, he shall give written notice thereof to the permittee. Said notice shall set forth the time and place where the charges shall be heard by the director of the department of water resources. The hearing date shall not be less than 15 days from the mailing of such notice by certified mail to the permittee at the address shown on the permit or at permittee's last known address. At the hearing, the permittee shall have an opportunity to refute the allegations set forth in the proposed permit revocation notice.

If after the hearing the director finds that any one of the conditions hereinafter enumerated in subsection (2), below, exists, he shall have the right to suspend, revoke or deny the permit.

(2) Any of the following is reason for permit suspension, revocation or denial:

a. Failure to notify the county of significant changes to the wastewater prior to the changed discharge;

b. Failure to provide prior notification to the county of changed condition;

c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

d. Falsifying self-monitoring reports;

e. Tampering with monitoring equipment;

f. Refusing to allow the county timely access to the facility premises and records;

g. Failure to meet effluent limitations;

h. Failure to pay fines;

i. Failure to pay wastewater charges;

j. Failure to meet compliance schedules;

k. Failure to complete a wastewater survey or the wastewater discharge permit application;

l. Failure to provide advance notice of the transfer of a permitted facility; or

m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

(3) Any user causing immediate endangerment or health risk may be required to immediately cease discharging into the system.

(4) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

(g) *Duration.* Permits shall be issued for a specified time period as determined by the county, not to exceed three years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the county during the term of the permit as limitations or requirements as identified in subsection (o)[(f)] above are modified, conditions change, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(h) *Transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(i) *Reporting requirements.*

(1) *Periodic compliance reports.* All users who have been issued discharge permits are required to submit compliance reports at the intervals set forth in each user's individual permit. The compliance reports shall address the discharge parameters and all other information indicated as being necessary to report as shown in the user's permit. This report shall be signed by an authorized representative of the industrial user.

(2) *Baseline report.* Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under section 98-162, whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the county a report which contains the information listed in paragraphs a through g of this subsection. Where reports containing this information already have been submitted to the EPD or EPA in compliance with the requirement of 40 CFR 128.140 (b) (1977), the industrial user will not be required to submit this information again. At least 90 days prior to commencement of discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the county a report which contains the information listed in paragraphs a through e of this subsection. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs d and e of this subsection:

a. *Identifying information.* The user shall submit the name and address of the facility including the name of the operator and owners;

b. *Permits.* The user shall submit a list of any environmental control permits held by or for the facility;

c. *Description of operations.* The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

d. *Flow measurement.* The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

1. Regulated process streams; and

2. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR Part 403.6 (e) (See subsection (e) of this section); and

3. The county may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e. *Measurement of pollutants.*

1. The user shall identify the pretreatment standards applicable to each regulated process;

2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

3. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional composite sampling is infeasible. In such cases, samples may he obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged;

4. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

5. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of section 403.6(e) [40 CFR Part 403.6 (e)] in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with section 403.6(e) [40 CFR Part 403.6 (e)] this adjusted limit along with supporting data shall be submitted to the control authority;

6. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator;

7. The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

8. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is a representative of normal work cycles and expected pollutant discharges to the POTW.

f. *Certification.* A statement, reviewed by an authorized representative of the industrial user (as defined in section 98-72) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements;

g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

1. Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (40 CFR Part 403.7), the combined waste stream formula (40 CFR Part 403.6(e)), and/or a fundamentally difference factors variance (40 CFR Part 403.13) at the time the user submits the report required by subsection (i)(2) below, the information required by paragraphs (i)(2)d and e below shall pertain to the modified limits.

2. If the categorical pretreatment standard is modified by a removal allowance (40 CFR Part 403.7), the combined waste stream formula (40 CFR Part 403.6(e)), and/or a fundamentally difference factors variance (40 CFR Part 403.13) after the user submits the report required by subsection (i)(2) below, any necessary amendments to the information requested by subsection (i)(2)d and e below shall be submitted by the user to the control authority within 60 days after the modified limit is approved.

(3) Compliance schedule for meeting categorical pretreatment standards. The following conditions shall apply to the schedule required by subsection (i)(2)g below:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in subsection (i)(2)g below shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with these increments of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.

d. Deadline for compliance with categorical standards. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N. Direct discharges with NPDES permits modified or reissued to provide a variance pursuant to Section 301(I)(2) of the Clean Water Act shall be required to meet compliance dates set in any applicable categorical pretreatment standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 CFR Part 403.3(k). New sources shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(4) All sampling and testing performed under this subsection for reporting requirements shall be conducted in accordance with section 98-164.

(5) If sampling performed by an industrial user indicates a violation, the user shall notify the county within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the county within 30 days after becoming aware of the violation.

(6) *Reports on compliance with categorical pretreatment standard deadlines.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the county a report containing the information described in subsection (i)(2)d through f. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection (m).

(7) *Reports of changed conditions.* Each nondomestic user must notify the county of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change.

a. The county may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under subsection (b) above.

b. The county may issue a wastewater discharge permit under subsection (a)(4) above or modify an existing wastewater discharge permit under subsection (c)(1) above in response to changed conditions or anticipated changed conditions.

c. For the purposes of this requirement, significant changes include, but are not limited to, flow increases of 25 percent or greater, and the discharge of any previously unreported pollutants.

(j) *Confidential information.*

(1) Information and data on a user obtained from reports, surveys, questionnaires, permit applications, permits, monitoring programs, and from the county's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the county, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data.

(2) When requested by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall be made available for inspection by the public, upon receipt by the county of an open records request as provided by Georgia law with notification to the user by the county of the request and shall also be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(k) *Maintenance of records.*

(1) *Sampling and testing records.* Any permitted user subject to the reporting requirements established in subsection (i) shall maintain records of all information resulting from any monitoring activities required by subsection (d). Such records shall include for all samples:

a. The date, exact place, method, and time of sampling and names of the person or persons taking the samples;

b. The dates analyses were performed;

c. The name of the person(s) who performed the analysis;

d. The analytical techniques/methods used; and

e. The results of such analyses.

(2) *Monitoring activities and records of results.* Any permitted user subject to the reporting requirements established in this section shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this chapter) and shall make such records available for inspection and copying by the city, state or EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the permitted user, or when requested by the county, state or EPA.

(l) *Publication of names of permit violators.* The county shall annually publish in the official organ of the county a list of the users who were significant violators during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) and the user's response to such enforcement actions during the same 12 months.

(m) *Application and reports signatories and certification.* All wastewater discharge permit applications, questionnaires, and nondomestic user reports must be signed by an authorized representative, as define in subsection 98-72, and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-167. Industrial pretreatment facilities.

(a) *Requirements.* All users shall provide necessary wastewater pretreatment as required to comply with the limitations and provisions contained in this article and to achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the county shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the county for review and shall be acceptable to the county prior to commencement of construction of the facility. The review of such plans and operating procedures will in no way relieve the user of the responsibility for modifying the facility as necessary to produce an effluent acceptable to the county under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the county prior to the user's initiation of the changes.

(b) *Compliance schedules.* The timing of construction and operation of pretreatment facilities as required hereby shall be in accordance with the compliance schedules provided by the county as described in subsection 98-163(a)(9); however, the county shall also have the authority to issue compliance schedules independent of the permitting process and such compliance schedules may be enforced by the county as provided in the enforcement and penalties section of this article.

(c) *Maintenance of pretreatment facilities.* All wastewater pretreatment facilities shall be properly and adequately maintained by the user so as to achieve the intended purpose of the facilities.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-168. Sand and oil/grease interceptors.

(a) *Generally.*

(1) All commercial waste generators involved in the preparation of food for commercial purposes shall install and properly maintain oil/grease interceptors or traps to minimize the introduction of fats, oil and grease into the county's publically owned treatment works through proper operation and maintenance of grease interceptors. Additionally, any commercial waste generator who generates a wastewater which contains greater than the quantity of oil and grease regulated under section 98-161 shall install oil/grease interceptors or traps, provided that the excess oil and grease is floatable and can be effectively removed in an oil/grease interceptor or trap as determined by the director of the department.

(2) All commercial waste generators whose wastewater stream is associated with unusually large quantities of grit, sand or gravel shall be required to install a sand trap. All vehicle washing systems shall be required to install sand traps.

(3) For the purposes of this section, wastes of commercial origin are those generated by restaurants, institution kitchens, and other food service establishments, as well as car/truck wash facilities. All commercial waste generators involved in the preparation of food for commercial purposes shall provide an approved fat, oil, grease (FOG) pretreatment system such as a grease trap, provided that the excess FOG is floatable and can be effectively removed. All commercial facilities with vehicle washing will be required to provide a pretreatment system such as an oil separator and/or sand trap to remove oil waste prior to discharging to the sanitary sewer.

(4) The requirements of this section shall not apply to private living quarters or dwelling units.

(b) *Design criteria.*

(1) *For restaurants and other food service establishments.* All oil/grease interceptors or traps used in conjunction with restaurants or other eating establishments shall have a capacity of 15 gallons per seat, except that no grease trap shall be smaller than 750 gallons nor larger than 3,000 gallons; provided, however, that restaurants or other eating establishments located in existing buildings shall be required to have an oil/grease interceptor with a capacity determined by the director of the department of water resources or his designee. For purposes of this article, the term "food service establishment" shall mean any restaurant, eatery, food caterer, cafeteria, or other institution processing and serving food such as motels, hotels, prisons or schools.

(2) *For facilities other than eating establishments.* All sand and oil/grease interceptors or traps used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes' retention time at the peak eight-hour flow rate. Flow through velocities shall not exceed one foot per second at the peak eight-hour flow rate.

(3) *Size, location and construction.* All sand and oil/grease interceptors shall be sized, located and constructed in accordance with the provisions of the duly adopted county plumbing code where such parameters have not been otherwise set forth in this article.

(4) *Upgrade.* If a food service establishment in existence prior to codification of this section does not have a grease trap or, as documented by inspection, it is determined that the current great trap is insufficient for the volume of food service waste being treated, the director may require that the establishment upgrade to an adequately sized oil/grease interceptor or trap.

(c) *Maintenance.*

(1) *Pumping.* To minimize the introduction of fats, oil and grease into the POTW, all grease, oil and sand interceptors or traps shall be maintained by the commercial waste generator to assure continually efficient operation at all times at the expense of the user. Maintenance shall include the complete removal of all contents, including floating materials, wastewater and bottom sludges and solids. Decanting or discharging of removed waste back into the traps from which the waste was removed or any other grease trap for the purpose of reducing the volume to be hauled is strictly prohibited. Cleaning and maintenance of all grease, oil and sand interceptors or traps shall include removal of materials from the tank walls, baffles, cross pipes, inlets and outlets, both tee's and cover.

(2) *Pumping frequency.*

a. Outdoor sand and oil/grease interceptors or traps shall be pumped out or cleaned out completely once every 90 days or more frequently if determined by the director to ensure the combined fats, oil and grease, and solids accumulation does not exceed 25 percent of the liquid depth of the grease, oil and sand interceptors or traps. The 25 percent rule requires that the depth of oil and grease (floating and settled) in a trap shall not be equal or greater than 25 percent of the total operating depth of the trap. The operating depth of the trap is determined by measuring the internal depth of the tank. If the tank is measured with more than two feet of floating top solids or more than two feet of settled solids, the tank is in violation.

b. Indoor sand and oil/grease interceptors or traps shall be cleaned at intervals not less than once every 90 days, or more often as necessary to prevent pass-through of grease and other food solids into the POTW. Removal of fats, oil and grease waste and sediments is required when operational capacity is reduced to seventy-five percent or less. This is calculated by the volume of the top (grease) layer added to the volume of the bottom (sediment) layer, the sum of the layers are divided by the total operational volume - [(Top inches + Bottom inches) / total operational inches].

(3) *Pumping variance.* Variances may be granted if the commercial waste generator can prove at their expense to the director's satisfaction that the discharge from the user's sand and oil/grease interceptor or trap is meeting the county's discharge limit up to 180 consecutive days for outdoor grease, oil and sand interceptors or traps or 120 consecutive days for indoor grease, oil and sand interceptors or traps.

(d) *Proper disposal of collected materials.* The discharge of the materials collected from grease traps and sand traps into the county wastewater system is prohibited. Any removal and hauling of the collected materials not performed by the owner's employees must be performed by waste disposal firms currently licensed by the county. All waste removed from grease traps must be disposed of at a facility permitted by the State of Georgia Environmental Protection Division to receive such waste. Under no circumstances shall the collected materials ever be returned to the wastewater or stormwater system.

(e) *Additives.* The use of any additive, such as enzymes, chemical or bacteria as a substitute for grease traps or grease trap maintenance is strictly prohibited. The use of additives as a supplement to grease trap or sewer maintenance may be authorized by the director after proper documentation and efficiency review. This authorization shall be obtained in writing from the director.

(f) *Recordkeeping*.

(1) *Manifest.* All commercial waste generators shall be responsible for maintaining manifests of waste removed. All materials collected from sand and oil/grease traps must be tracked by a manifest which confines pumping, hauling and disposal of waste. The manifest shall contain the following information:

a. Commercial Waste Generator information:

1. Name;

2. Address;

3. Volume pumped;

4. Date and time of pumping;

5. Signature of generator verifying generator information.

b. Transporter information:

1. Company name;

2. Address;

3. Driver name and signature verifying generator information.

c. Receiving facility information:

1. Facility name;

2. Address;

3. Date and time of receiving;

4. EPD permit number;

5. Signature verifying receipt of waste.

(2) *Maintenance log.* The commercial waste generator shall maintain a maintenance log indicating each pumping for the previous 12 months. This log shall include date, time, amount pumped, hauler and disposal site and shall be kept in a conspicuous location for inspection by the department of health or the department of water resources.

(3) *Reporting.* The commercial waste generator shall acquire a completed copy of the manifest from the disposal facility with the proper signatures and dates submit to the department within 14 calendar days of the pumping activity to:

ROCKDALE WATER RESOURCES   
2440 Tatum Road   
  
CONYERS, GEORGIA 30013

(4) *Penalties for Late Reports.* A penalty, as set by the Board of Commissioners from time to time, may be assessed to any user for each day that a report required by this section is late beginning five business days after the date the report is due. Actions taken by the director to collect late reporting penalties shall not limit the director's authority to initiate other enforcement actions that may include penalties for late reporting violations.

(g) *Inspection and entry.*

(1) Authorized personnel of the county, bearing proper credentials and identification, shall be permitted at reasonable times to enter upon all properties without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this subsection.

(2) Inspection of a sand and oil/grease interceptor or trap shall be performed according to the "25 percent rule" as defined herein.

(3) If a sand and oil/grease interceptor or trap fails the initial inspection, the inspector may notify the commercial waste generator that the grease/oil interceptor or trap shall be cleaned out within seven calendar days. After seven calendar days, the sand and oil/grease interceptor or trap should be re-inspected.

(4) If at the first re-inspection, the sand and oil/grease trap is found to still be in non-compliance, a Notice of Violation may be issued and the commercial waste generator required to clean the grease/oil interceptor or trap immediately. The commercial waste generator may request an additional re-inspection again after three days.

(5) The commercial waste generator may be assessed a fee for additional inspections as set from time to time by the board of commissioners.

(h) *Enforcement and penalty.*

(1) When the director determines that a violation of this section exists, the director may issue to the commercial waste generator a written notice of violation and require the commercial waste generator to clean and inspect the sand and oil/grease interceptor immediately. Within ten calendar days of the receipt of such notice, the commercial waste generator shall submit to the director an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of such a plan in no way relieves the commercial waste generator of liability for any violations occurring before or after receipt of the Notice of Violation.

(2) If the commercial waste generator fails to initiate or complete corrective action within the time frame specified within the Notice of Violation, the director may pursue one or more of the following options:

a. Issuance of a citation or file an appropriate action with the court to compel compliance.

b. Place the commercial waste generator on a probationary status and require monthly reporting of sand and oil/grease interceptor cleaning and inspection.

c. Any combination of the above enforcement actions.

(3) A commercial waste generator who fails to comply with the provisions of this section shall, upon conviction of an ordinance violation, be subject to Section 1-11, General Penalty, of the Rockdale County Code of Ordinances.

(4) *Exception.* The provisions of this section shall not apply to or be enforced against any food service establishment which does not use frying and/or grilling machines and does not produce fats, oil, or grease in the establishment.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 2010-06, § 1, 4-27-2010; Ord. No. 2016-10, § 2, 9-27-2016)

Sec. 98-169. Accidental discharges; slug control plans.

(a) The county may require any industrial user to develop, submit for approval and implement an accidental discharge/slug control plan. In addition, at least once every two years, the county shall evaluate whether each significant industrial user needs such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the department of water resources of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b) or subsection 98-161(b), with procedures for follow-up written notification within five days;

(4) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(b) *Oral notice to county.* In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the department of water resources of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken.

(c) *Written notice to county.* Within five days following an accidental discharge, the user shall submit to the county a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the county wastewater facilities, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division or other applicable law.

(d) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-170. High strength wastewater surcharge.

(a) *Establishment.* All users discharging high strength wastewater into the county wastewater system shall be assessed a monetary surcharge, in addition to the normally required wastewater use charges, in an amount to be calculated as shown in this section. A high strength wastewater is defined as wastewater which contains the following parameters in excess of the concentrations shown as follows:

(1) Five-day, 20 degrees Celsius biochemical oxygen demand of 225 milligrams per liter (mg/l);

(2) Total suspended solids of 225 mg/l;

(3) Total ammonia nitrogen (NH3+NH4) of 20 mg/l;

(4) Total inorganic phosphates of 10 mg/l;

(5) Floatable oil and grease of 100 mg/l.

The parameters in this subsection shall be determined by the utilization of the sampling and testing procedures as provided in section 98-164. The amount of the surcharge, which is charged and assessed against all users discharging high strength wastewater into the county wastewater system, shall reflect the cost incurred by the county in handling the excess BOD, TSS, ammonia, total inorganic phosphates, and floatable oil and grease.

This surcharge shall include a proportionate share of charges for maintenance and operation of the wastewater treatment facilities including depreciation and other incidental expenses.

(b) *Formula.* When the concentrations of the surcharged parameters exceed the values of the constituents as set forth in subsection (a) of this section, the excess concentrations shall be subject to a surcharge in the amount derived in accordance with the following formula:

P × (D) × 8.34 × C=$/month

Where:

"P" is equal to the concentration in mg/l of the parameter being evaluated (BOD, TSS, ammonia, total inorganic phosphates, or floatable oil and grease) which is in excess of the amounts shown in subsection (a) of this section.

"D" is equal to the average daily wastewater discharge as determined by the county in subsection (d) of this section, or at the discretion of the county by variable periodic compliance reports as required in section 98-166.

"8.34" is a conversion factor.

"C" is equal to the unit cost in dollars per pound ($/lb) for the treatment of the surcharged parameters. This value shall be established by the department manager based on actual wastewater treatment costs which shall be revised from time to time as necessary.

(c) *Quantitative measurement of surchargable parameters.* The measurement of the surcharge parameters (BOD, TSS, ammonia, total inorganic phosphates, or floatable oil and grease) shall be conducted as follows:

(1) The county shall sample and test the user as provided in section 98-164 once per year, except that the duration of the sampling to determine surcharge shall be for a period to be determined by the director of the department of water resources.

(2) The county need not provide any prior notice to the industry with regard to the sampling period.

(3) The county may sample the user as often as desired at the county's expense if, in the opinion of the county representative, samples have not been previously obtained.

(4) If in the opinion of the user the samples taken by the county are not representative of the user's typical wastewater, then the user may request a resampling. At the user's request, the county shall grant the user not more than two resamplings per year. All user-requested resampling shall be done at the user's expense. A reasonable cost shall be charged to the user by the county therefor.

(d) *Measurement of flow used in computing wastewater surcharges.* The volume of flow used in computing wastewater surcharges shall be based upon the average daily flow rate as determined by county personnel using a properly maintained and calibrated flow meter during the sampling period outlined in subsection (c)(1) of this section.

(e) *Billing procedure.* Wastewater surcharges as provided for in this section shall be included on the user's regular water and wastewater bill or on a separate wastewater surcharge bill.

(Ord. No. 2007-07, § 1, 3-27-2007; Ord. No. 2016-15, § 1, 10-11-2016)

Sec. 98-171. County's rights to monitor nondomestic users to confirm compliance.

The county shall have the right and authority to enter upon any nondomestic user's premises for the purpose of observation, flow monitoring, wastewater sampling, or for any other reasonably necessary purpose to confirm the user's compliance with the provisions of this article. The county may, but is not required to, provide the user with prior notice of the entry.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-172. Hazardous waste notification by nondomestic users.

(a) Any nondomestic user who commences the discharge of hazardous waste shall notify the county the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CRF Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under the subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 98-166(j)(7). The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections 98-166(i)(1), (2) and (3).

(b) Dischargers are exempt from the requirements of subsection (a) above during a calendar month in which they discharge no more than 15 kilograms (33 pounds) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). A discharge of more than 15 kilograms (33 pounds) of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.30(e), requires a one-time notification.

Subsequent months during which the nondomestic user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the nondomestic user must notify the county the EPA regional waste management division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the nondomestic user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-173—98-190. Reserved.

#### DIVISION 6. PRIVATE WASTEWATER DISPOSAL FACILITIES

Sec. 98-191. Private wastewater disposal facilities prohibited.

No private wastewater disposal facilities which discharge to the surface shall be allowed in Rockdale County, except pre-existing properly operating facilities which have valid NPDES permits issued by the State of Georgia Environmental Protection Division or the federal EPA. No other private wastewater disposal facilities of any kind shall be authorized in Rockdale County except septic tank systems operated in accordance with section 98-192.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-192. Conditions for acceptable construction and use of septic tanks.

(a) *Domestic wastewater only.* The treatment of any wastewater other than domestic wastewater or other such wastewater which is readily treatable by anaerobic decomposition in septic tanks is prohibited.

(b) *Septic tank prohibitions.* No person shall construct a septic tank where wastewater availability exists and connection is required.

(c) *County approval and department of health permit required.* No person shall construct, repair, alter or enlarge a septic tank unless he receives prior approval from the director and shall hold a valid permit for such work issued by the county department of health. The director shall have the right to request and receive for his approval plans and specifications for any nonresidential septic tank systems or septic tank systems serving multifamily dwellings.

(d) *Specifications for septic tank systems.* The specifications for all septic tank systems constructed in the county shall conform to the rules and regulations of the DHR division of public health.

(e) *Lot size.* No septic tank system shall be authorized or installed where the area of the lot is less than that required by the department of health.

(f) *Discharge to surface not allowed.* No septic tank shall be allowed to discharge to the surface or to any natural outlet.

(g) *Health menace not allowed.* No septic tank that creates or will be likely to create a menace to public health shall be allowed.

(h) *Septic tank serving multiple units not allowed.* Only one residential unit or commercial building per septic tank system is allowed.

(i) *Street address required.* A street address must be obtained from the department of public services and engineering prior to the issuance of a septic tank system approval letter by the water system.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-193. Correction of unsanitary system.

Any premises that has a septic tank, privy or any other private sewage, industrial waste, or liquid waste disposal system located thereon that does not function in a sanitary manner shall be made to function in a sanitary manner within 30 days from the receipt of a written notification and order from the director of the health department that such system is not functioning in a sanitary manner.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-194. Time limit for connection of failing private system to the county wastewater system.

If wastewater availability exists, and the connection requirements of section 98-8 are met, a property currently served by a private wastewater disposal system that has failed shall connect to the county wastewater system within 30 days after written notice from the director regarding the failed private system and steps required for connection.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-195. Disposition of unused septic tanks.

When removed from service, any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with a suitable material such as sand, gravel, dirt, etc. In the alternative, the out-of-service wastewater disposal facilities shall be removed from the ground. All connections to the county wastewater system which remove septic tanks from service shall be made to the plumbing system upstream of the septic tank.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-196. Pit privies prohibited.

No pit privies or other such similar subsurface systems shall be installed.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-197. Additional requirements established by the county board of health.

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the rules and regulations of the county board of health.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-198. Pollution of streams or soil.

(a) No person shall cause or allow to be caused, the deposition of pollution into or onto the streams, drainage ditches, or soil of the county. Such a deposition of pollution shall be deemed to be a public nuisance and also may be punished as provided in section 1-11. Each day that the offense continues shall be deemed a separate offense. The notice of violation requirements provided in the response plan shall not be required for cases involving the sudden and accidental releases of pollution.

(b) This section may be enforced by any remedy as set forth in division 8 of this article.

(c) It is not the intent of this section to preempt any federal or state water pollution control laws but instead to complement such laws so as to provide a local remedy for offenses which are not enforced under such federal or state laws.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-199—98-220. Reserved.

#### DIVISION 7. POWERS AND AUTHORITY OF COUNTY EMPLOYEES

Sec. 98-221. Right to enter premises.

Duly authorized employees and representatives of the county and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be allowed to enter all properties at reasonable times for the purpose of inspection, observation, measurements, sampling, and testing pertinent to discharges to the county wastewater system in accordance with the provisions of this article.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-222. Right to obtain information.

Duly authorized employees and representatives of the county are authorized to obtain information concerning character, strength and quantity of nondomestic wastewater which may have a direct bearing on the kind and source of discharge to the county wastewater system.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-223. Permitted activities on utility easements.

Duly authorized employees and representatives of the county bearing proper credentials and identification shall be permitted at reasonable times to enter all private properties through which the county holds a utility easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water or wastewater facilities lying within such easement. All entry of subsequent work, if any, on such easement shall be done in full accord with the terms of the utility easement pertaining to the private property involved.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-224. Safety rules.

While performing the necessary work on private properties referred to in this division, the duly authorized employees or representatives of the county shall observe all reasonable safety rules.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-225—98-240. Reserved.

#### DIVISION 8. ENFORCEMENT AND PENALTIES

Sec. 98-241. Criminal sanction and fines.

(a) *Generally.* Any person who violates any of the terms or conditions of this chapter or who knowingly makes false statements, representations, certifications, in any application or questionnaire, record, plan or other document or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be liable to the county and subject to the terms of section 1-11.

(b) *Discharge limit violations.* Any violation of the wastewater discharge prohibitions set forth in section 98-161 or violations of the conditions contained in a discharge permit issued by the county pursuant to section 98-166 shall be enforced.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-242. Revocation of permit.

The discharge permits issued in accordance with the provisions of section 98-166 may be suspended, revoked or denied in accordance with the procedures set forth therein for violation of any of the prohibitions set forth in section 98-161.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-243. Termination of service: lien created by nonpayment of amounts due; interest on amounts due.

(a) In order to enforce the operation of the county wastewater ordinance codified in this article, the county shall have the power and authority to enter, at reasonable times, upon the property of any user who has violated any provision of this article following due notice of the violation as provided in the response plan to terminate the user's wastewater service in any manner deemed necessary and appropriate by the county; provided, however, that the county shall have the power to enter upon the property of any user who is causing immediate endangerment or health risk and terminate the user's wastewater service in any manner deemed necessary and appropriate by the county without notice. In the event of such termination under this section, the county shall retain all rights to collect unpaid bills or amounts owed by the terminated user according to law or other provision of this article. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served.

(b) Past due amounts shall bear interest at the same rate as would unpaid ad valorem taxes.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-244. Civil liabilities and penalties.

Any person who violates any provisions contained in this chapter or who violates the conditions contained in any county-issued discharge permit or who violates any consent order, prohibition, discharge limitation, standard of performance or pretreatment standard shall be liable to the county and subject to the terms of section 1-11.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-245. Injunctive relief.

If any person violates the provisions of this chapter, federal or state pretreatment requirements, or any order of the county, the county may commence an action for appropriate legal and/or equitable relief including injunctive relief, in the appropriate court of competent jurisdiction.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-246. Consent orders.

Consent orders may be utilized by the chairperson or his designee to enforce the provisions contained in this chapter 98. A consent order may be issued to any person who violates any provisions of said chapter. The consent order shall be an agreement between the county and the person or entity in violation and shall operate as follows:

(1) The county shall agree not to prosecute under the law relative to the particular violation or violations being considered if the violating person or entity complies with the terms and conditions of the consent order.

(2) A schedule including various terms and conditions, as necessary, for the violating person or entity to achieve compliance shall be provided.

(3) A monetary payment of an amount commensurate with the nature and magnitude of the violation may be stipulated in the consent order. Such monetary payment shall be made by the violating person to the county and shall have the legal effect of consideration provided in exchange for the county's covenant not to sue or prosecute on the violation or violations so stipulated in the consent order.

(4) Any party to any consent order shall agree that any such consent order may be filed with the superior court of the county, along with pleadings seeking to make such consent order an order of the superior court of the county, and enforceable as such court's order in any subsequent enforcement action which may be necessary.

Nothing in this section shall be interpreted as requiring a consent order prior to taking any other enforcement actions.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-247. Criminal sanctions and fines.

Any person who violates any of the terms or conditions of this chapter or who knowingly makes false statements, representations, certifications, in any application or questionnaire, record, plan or other document or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter 98 shall be liable to the county and subject to the terms of section 1-11 and/or State of Georgia remedies.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-248. Other enforcement and penalty provisions.

Other enforcement and penalty provisions contained in this chapter are as follows:

(1) Subsection 98-141(a) prohibits unauthorized water or wastewater connection, punishable by a fine of up to $1,000.00 and/or 60 days imprisonment for each offense.

(2) Subsection 98-141(c) makes it unlawful to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with water or wastewater facilities punishable by a fine of up to $1,000.00 and/or 60 days imprisonment for each offense.

(3) Subsection 98-142(f) provides for the revocation of holding tank haulers permits for the failure to pay for the services rendered.

(4) Subsection 98-198 makes it unlawful to cause the deposition of pollution into or onto the streams, drainage ditches, or soil of the county punishable by a fine of up to $1,000.00, and/or 60 days imprisonment, per day.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-249. Enforcement actions accumulative.

Except as otherwise provided, all of the enforcement provisions set forth in this chapter are cumulative to any other enforcement procedures or remedies which may be available to the county either by local or state law or by this article.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-250. Notices of violation.

Notices of violation may be utilized by the chairman or his designee to enforce the provisions contained in this chapter. A notice of violation may be issued to any person who violates any provisions of this chapter. The notice of violation may be in the form of one or more of the following:

(1) *Phone call.* A verbal telephone notice of violation to the authorized representative of a nondomestic user, or his designated contact person, for very minor violations. No follow-up is normally expected.

(2) *Letter of violation.* A written notice of violation to the authorized representative of a response within a specified length of time indicating the reason for the violation and what steps are being taken to prevent any future violations of the same nature.

(3) *Site visit.* An onsite visit to the nondomestic user to notify the authorized representative of a nondomestic user, or his designated contact person, of a violation, and to discuss and observe the problem. It may be used in place of, or in conjunction with a phone call or a letter of violation, and can require a written response within a specified length of time indicating the reason for the violation and what steps are being taken to prevent any future violations of the same nature.

Nothing in this section shall be interpreted as requiring a notice of violation prior to taking any other enforcement actions.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-251. Show cause orders.

Show cause orders may be utilized by the chairman or his designee to enforce the provisions contained in this chapter. A show cause order may be issued to any person who violates any provisions of this chapter. The show cause order shall demand a violator show cause why a proposed enforcement action should not be taken.

Nothing in this section shall be interpreted as requiring a show cause order prior to taking any other enforcement actions.

(Ord. No. 2007-07, § 1, 3-27-2007)

Sec. 98-252. Emergency suspensions.

The county may immediately suspend any user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The county may also immediately suspend any user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the county may take such steps as deemed necessary, including immediate severance of the wastewater connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The county may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the county that the period of endangerment has passed, unless further proceedings are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the county prior to the date of any show cause or termination action under sections 98-250 or 98-243.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. No. 2007-07, § 1, 3-27-2007)

Secs. 98-253—98-260. Reserved.

### ARTICLE IV. REVENUE COLLECTIONS AND BILLING; CUSTOMER SERVICE AND METER READING

#### DIVISION 1. GENERALLY

Sec. 98-261. Generally.

(a) Customer service, meter reading, and billing and collections for the Rockdale County Water System and Rockdale County Wastewater System shall be under the supervision and direction of the director of the water resources department.

(b) The director of the water resources department or his or her designee shall be vested with the authority to enforce the provisions of this article.

(Ord. No. 2007-29, § 2, 12-20-2007; Ord. No. 2009-07, § 1, 5-12-2009)

Secs. 98-262—98-264. Reserved.

#### DIVISION 2. RATES AND CHARGES

Sec. 98-265. Water and wastewater service deposit.

(a) In order to secure the prompt payment of accounts and charges for services and facilities and connection afforded, and as a condition precedent to the rendering of such service, each water and wastewater customer shall deposit a sum as fixed from time to time by the board of commissioners based on the size of the water meter installed on the property.

(b) Upon payment of all outstanding charges for services and a cut-off fee as fixed from time to time by the board of commissioners, the customer's deposit shall be refunded without interest.

(Ord. No. 2007-29, § 2, 12-20-2007)

Sec. 98-266. Water and wastewater billing and rates—Generally.

(a) *Rate schedules.* The rate schedule for water and wastewater service furnished to customers shall be fixed from time-to-time by the board of commissioners, and changes in said rates may be made by the board of commissioners as necessary to support the financial needs of the county water and wastewater systems. A current copy of the rate schedule shall be maintained on file in the office of the clerk of the board of commissioners where it shall be available for public inspection.

(b) *Service charges; when payable; disconnection of service for failure to pay.*

(1) The payment of all fees due for water and wastewater service shall be made monthly or at such other time as indicated by the county in accordance with a statement setting forth the amount due. Payment for services billed monthly shall be due and payable by the date specified on the bill. Failure to pay the bill on or before the due date shall result in the imposition of such delinquent penalties as fixed from time to time by the board of commissioners, and shall be in default and service may be disconnected by the county and a service may be disconnected by the due date. Failure to receive notice of the amount due shall in no way relieve the customer, or owner of the property served, from making payment as required in this subsection.

(2) Should any customer, including the owner of the property, receiving water or wastewater service fail to pay any sum due under this chapter, the water service shall be discontinued until such sums, with penalties as provided in this chapter, are paid in full. A penalty as set by the board of commissioners of the invoiced amount shall be assessed on all unpaid, past due invoices. A disconnection service charge, as set from time to time by the board of commissioners, shall be assessed for disconnections of water service due to delinquency. This delinquent service charge shall be applicable to each service call to discontinue service for delinquent accounts. The customer will be charged for the service call even if the service is not disconnected. The provisions of section 98-243 shall also apply.

(c) The following regulations shall apply to customers seeking adjustments for water and wastewater charges billed:

(1) *Water bill adjustments for broken water lines and leaks.*

a. In cases where it is clear that water usage as reflected by a monthly meter reading is due to an unusual circumstance, the board of commissioners or its authorized representative may authorize an adjustment of one-half the usage in excess of the average bill.

b. The adjustment can only be made for the two most recent billings regardless of the duration of the leak.

c. Leak adjustments will only be given for broken water lines and meter leaks on the customer's side of the meter.

d. Receipts, invoices or statements that support service needed to repair the leak in question shall be presented to customer service to be considered for an adjustment for such repairs.

(2) *Wastewater adjustments for filling of swimming pools.*

a. The board of commissioners or its authorized representative may authorize a wastewater usage credit for the filling of a swimming pool.

b. Customer must make contact with customer service before the filling of the swimming pool to establish a date for filling the swimming pool.

c. There shall be a difference of a minimum of 4,000 gallons from the filling for the month the swimming pool is filled and the average billing for the past 12 months.

d. All wastewater usage will be billed that is related to water consumption.

e. An adjustment for wastewater billed will be applied to the account for that water volume used to fill the swimming pool.

f. The adjustment is credited to the customer's account and will not be considered a refund.

g. The adjustment will only be applied once per year per customer. Billing for the water and wastewater utilized for filling of a swimming pool will occur on the following billing cycle.

h. The adjustment for wastewater sill be applied to the account on the proceeding billing cycle.

(d) *Service calls.* All service calls shall be charged to the customer requesting the service in accordance with a fee schedule established by the board of commissioners reflecting as closely as possible the actual cost to the county for rendering the service. The county's regular work hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding established county holidays. Reconnections made after regular business hours and on weekends shall be made only upon customer's request and for the established after hours reconnect fees. No payments on account will be accepted in the field.

(e) *Returned checks.* A processing fee as established by the board of commissioners will be charged for returned checks. If water service has been discontinued as a result of the returned check, the service charges of this section applicable thereto will also apply.

(f) *Failure to apply for service.* A fee will be charged to water system users who have not properly applied for service in their own names. A separate fee shall be charged for each trip made by the county in an effort to have the customer properly and successfully apply for service. Payment must be made by the applicant for all water and wastewater services utilized subsequent to the former customer discontinuing service.

(g) *Unauthorized connection or usage.* The board of commissioners shall establish fees to be charged for unauthorized water or wastewater system connections and also establish separate fees for the unauthorized use of the county water or wastewater system services. Also see section 98-141.

(h) *Optional waiver of charges by county.* The chairperson or his designee shall be vested with the authority to determine any and all cases of hardship and waive CCR charges and other fees and penalties and that such action will be in the best interest of the county.

(Ord. No. 2007-29, § 3, 12-20-1007)

Sec. 98-267. Damaging or tampering with water meter or water lines; discontinuing service.

(a) No person, other than authorized county personnel, shall remove, damage, break, disconnect or tamper with a water meter or a water measuring device. Upon the unauthorized removal, damaging, breaking, disconnecting or tampering with a water meter or a water measuring device, the customer or use in whose name the meter is registered shall be billed for estimated use of water while the meter was removed, damaged, broken, disconnected or tampered with, plus all additional fees and penalties.

(b) If any bill for water as provided in subsection (a), including the charge for removing, damaging, breaking or tampering with the meter, shall not be paid within 20 days after the due date, the county may discontinue water service because of the customer's failure to pay his water bill under this section. The customer's meter will not be reactivated until the outstanding bill is paid in full, and the customer pays a charge as fixed from time to time by the county for the restoration of service.

(c) No person, other than authorized county personnel, shall remove, damage, break, disconnect or tamper with water mains or lines. Upon the unauthorized removal, damaging, breaking, disconnecting or tampering with a water main or line, such person may be responsible for any necessary repairs as determined by the county, or, the repairs may be made by the county and such person shall be responsible to the county for the cost of such repairs.

(d) Any intentional or negligent act resulting in the unauthorized removal, damaging, breaking, disconnecting or tampering with a water meter or a water measuring device shall be considered unlawful and the county will prosecute under the applicable State of Georgia criminal statutes and local ordinances to the fullest extent possible.

(Ord. No. 2007-29, § 4, 12-20-1007)

Sec. 98-268. Appeal of service disconnection; notice of contested charges; hardship cases; meter tests.

(a) Receipt by the customer or user of a water bill with extra charges under this article, other than for the normal use of water, shall constitute notice to the customer or user that he is in violation of this article and subject to have water service disconnected.

(b) A person desiring to contest or dispute the amount of any bill rendered under this article, including an amount charged for removing, damaging, breaking, disconnecting or tampering with a water meter or water measuring device, may pay such charges under protest on or before the due date and request a hearing, in writing, before the director of water resources or his or her designee. The hearing shall be held within 45 days of the written request. The time, date and place of the hearing shall be determined by the director of water resources or his or her designee and notice of same provided to the person requesting the hearing at least five calendar days prior to the hearing date. Following the hearing, should the director of water resources or his or her designee determine that any portion of the charges has been erroneously imposed, refund of the charges so erroneously paid shall be promptly made or such amount credited to the customer's account. The decision of the director of water resources or his or her designee shall be final.

(c) In cases of hardship, a person may apply to the director of water resources or his or her designee to permit installment payments to cover overdue payments. If granted, such installments must be kept according to the agreement in order to prevent service from being disconnected. All current charges must be paid in full when due.

(d) A customer believing his meter to be faulty may request that the county test the meter. Upon the request, along with a deposit as fixed from time to time by the county, which is to partially cover the costs of removing the meter, sending the meter to checking station and replacing the meter, this work will be accomplished and a check of the registering device made. Should the results of the test by within three percent of correct registration, a fee as fixed from time to time by the county shall be charged to the customer's account. Should the results of the check show the meter to be in error more that three percent or registering more water than actually is passing through the meter, the county shall repair or replace the meter and an adjustment shall be made to the account to cover the inaccurate billing.

(Ord. No. 2007-29, § 5, 12-20-2007)

Editor's note(s)—At the instruction of the city, reference to the "director of finance" has been amended to read "director of water resources or his or her designee".

Sec. 98-269. Residential fireline master meters.

(a) Residential owners of single family residences who chose to have a single water supply line that provides both fireline service (i.e. sprinkler systems) and potable water service to the service entrant of their residential structure may qualify for a residential fireline master meter status as it relates to the billing of the base and volumetric fees.

(b) The owner further recognizes choosing the residential fireline master meter set up option (as opposed to having two separate water lines connected independently to a County water main; whereas, one water line would be for potable water and one water line will be for fire suppression before running to the service entrant of a residential structure) would render no fire protection to the owners property in the event water service is disconnected due to lack of payment, the owner's request, or any other circumstance that requires water service to be disconnected.

(c) Inspection and verification of a residential fireline master meter setup by RWR is required to qualify for residential fireline master meter status.

(d) Once granted residential fireline master meter status, the residential fireline master meter rate adjustment will be limited to 1 inch to 1 ½ inch meters. While the owner will be responsible for payment for the total cost of purchasing and installing a 1 inch to 1 ½ inch meter; the billing rate (base and volumetric) for a 1 inch to 1 ½ inch meter will be that of a residential ⅝ inch meter.

(Ord. No. 2018-01, § 1, 2-27-2018)

1. State law reference(s)—Construction of statutes, O.C.G.A. § 1-3-1 et seq. [↑](#footnote-ref-1)
2. Cross reference(s)—Civil emergencies, ch. 26; courts, ch. 30; elections, ch. 34; human relations, ch. 54; taxation, ch. 86; utilities, ch. 98; fees and charges for wastewater system, § 98-91 et seq.; administration of flood damage prevention, § 106-35; administration and enforcement of zoning, § 130-22.

   **State constitution references—**Counties and municipal corporations, Ga. Const. art. IX; home rule for counties, Ga. Const. art. IX, § II, ¶ I.

   State law reference(s)—County government, O.C.G.A. § 36-1-1 et seq.; emergency interim successors to officials, O.C.G.A. § 38-3-50; board of commissioners of county, O.C.G.A. § 36-5-20 et seq.; workers' compensation for employees of political subdivisions, O.C.G.A. § 34-9-3. [↑](#footnote-ref-2)
3. Cross reference(s)—Parks and recreation director, powers and duties, § 70-1. [↑](#footnote-ref-3)
4. Editor's note(s)—Departments and agencies of the county may be created by general state law (see § 2-91), by special state law (see part I, § 2-201), or by ordinance (see grant of authority, part I, § 2-201(b)). Departments of public safety and water and sewer have not been activated.

   Cross reference(s)—Agency and existing departments of emergency management, § 26-36.

   State law reference(s)—Juvenile proceedings, O.C.G.A. § 15-11-1 et seq.; county boards of health, O.C.G.A. § 31-3-1 et seq.; county and district departments, boards and directors of family and children services, O.C.G.A. § 49-3-1 et seq. [↑](#footnote-ref-4)
5. Cross reference(s)—Board of zoning appeals, § 130-23.

   **Related laws reference—**Boards, commissions and authorities, part I, § 2-231 et seq. [↑](#footnote-ref-5)
6. Cross reference(s)—Any ordinance or resolution of the county promising or guaranteeing the payment of money by or to the county, or authorizing the issuance of any bonds of the county, or any evidence of the county's indebtedness, or any contract or obligation assumed by the county saved from repeal, § 1-13(2); any ordinance or resolution levying or imposing charges, fees or taxes now due or accrued saved from repeal, § 1-13(5); taxation, ch. 86. [↑](#footnote-ref-6)
7. Cross reference(s)—Businesses, ch. 22.

   State law reference(s)—Outdoor advertising near state roads, O.C.G.A. § 32-6-70 et seq. [↑](#footnote-ref-7)
8. Editor's note(s)—Ord. No. 0-2017-20, §§ 1, 2, adopted September 19, 2017, repealed the former ch. 10, §§ 10-1—10-174, and enacted a new ch. 10 as set out herein. The former ch. 10 pertained to similar subject matter and derived from Code 1978, §§ 3-2021—3-2023, 7-1001, 7-2001—7-2017, 7-2018(a)—(e), 7-2019—7-27, 7-2036—7-2042, 7-2044—7-2050, 7-2061—7-2063, 7-2065, 7-2066, 7-2076—7-2080, 7-2082, 7-2083—7-2085, 9-1003; Ord. No. 0-1998-1, §§ 2—5, 7—12, 1-13-1998; Ord. No. 0-1999-22, § 2(7-2025), 11-9-1999; Ord. No. O-2000-10, § 1, 6-13-2000; Ord. No. O-2001-22, §§ 1, 2, 10-9-2001; Ord. No. 0-2001-33, §§ 1, 2, 12-11-2001; Ord. No. O-2003-20, §§ 1—4, 12-30-2003; Ord. No. 0-2006-07, § 7, 2-28-2006; Ord. No. 2008-12, §§ 1, 2, 4, 10-14-2008; Ord. No. 0-2010-20, §§ 1, 2, 3, 12-14-2010; Ord. No. 2012-03, §§ 1, 2, 3-13-2012; Ord. No. 2013-08, § 1, 7-23-2013.

   Cross reference(s)—Businesses, ch. 22.

   State law reference(s)—Local alcoholic beverage license, O.C.G.A. § 3-3-2 et seq.; local regulation of distilled spirits, O.C.G.A. § 3-4-40 et seq.; local regulation of malt beverages, O.C.G.A. § 3-5-40 et seq.; local regulation of wine, O.C.G.A. § 3-6-40; public drunkenness, O.C.G.A. § 16-11-41. [↑](#footnote-ref-8)
9. Cross reference(s)—Taxation, ch. 86.

   State law reference(s)—Tax authorized for distilled spirits, O.C.G.A. § 3-4-80; malt beverages, O.C.G.A. § 3-5-80; wine, O.C.G.A. § 3-6-60. [↑](#footnote-ref-9)
10. Cross reference(s)—Prohibition of alcoholic beverages with nudity or in adult entertainment establishments, § 10-55; businesses, ch. 22.

    State law reference(s)—Control of mass gatherings, O.C.G.A. § 31-27-1 et seq.; coin-operated amusement machines, O.C.G.A. § 50-27-70 et seq. [↑](#footnote-ref-10)
11. Editor's note(s)—Ord. No. O-2019-21, §§ 1—39, adopted October 22, 2019, repealed the former ch. 18, §§ 18-1—18-12, and enacted a new ch. 18 as set out herein. The former ch. 18 pertained to similar subject matter and derived from Code 1978, §§ 9-3002—8, 9-3010; Ord. No. 0-1999-25, § I, 11-9-1999; Ord. No. 0-2002-06, § 1, 2-26-2002; Ord. No. 2007-20, §§ 1—5, 9-25-2007; Ord. No. 2009-10, §§ 1, 2, 7-14-2009; Ord. No. 0-2010-08, §§ 1, 2, 5-11-2010; Ord. No. 0-2011-04, § 1, 1-18-2011. [↑](#footnote-ref-11)
12. Editor's note(s)—Ord. No. O-2021-25, § 3, adopted Aug. 10, 2021, amended the title of Art. 2 to read as herein set out. The former Art. 2 title pertained to Animal Control. [↑](#footnote-ref-12)
13. Cross reference(s)—Advertising, ch. 6; alcoholic beverages, ch. 10; amusements and entertainments, ch. 14; emergency services, ch. 38; peddlers and solicitors, ch. 74; taxation, ch. 86; occupation tax, § 86-31 et seq.; hotel/motel occupancy tax, § 86-91 et seq.; telecommunications, ch. 90; utilities, ch. 98.

    State constitution reference(s)—General powers of counties as to taxation and other revenues, Ga. Const. art. IX, § IV.

    State law reference(s)—Commerce and trade, O.C.G.A. title 10; certain persons prohibited from investigating business for issuance of county license, O.C.G.A. § 36-60-9; professions and businesses, O.C.G.A. Title 43; specific, business, and occupation taxes, O.C.G.A. § 48-13-1 et seq. [↑](#footnote-ref-13)
14. Cross reference(s)—Prohibition of alcoholic beverages with nudity or in adult entertainment establishments, § 10-55; zoning, ch. 130. [↑](#footnote-ref-14)
15. Cross reference(s)—Administration, ch. 2; courts, ch. 30; emergency services, ch. 38; fire prevention and protection, ch. 46.

    State law reference(s)—Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-1 et seq. [↑](#footnote-ref-15)
16. Cross reference(s)—General provisions of planning and development, ch. 102. [↑](#footnote-ref-16)
17. Cross reference(s)—Administration, ch. 2; civil emergencies, ch. 26; offenses and miscellaneous provisions, ch. 66; traffic and vehicles, ch. 94.

    State law reference(s)—Superior courts, O.C.G.A. § 15-6-1 et seq.; state courts of counties, O.C.G.A. § 15-7-1 et seq.; probate courts, O.C.G.A. § 15-9-1 et seq.; magistrate courts, O.C.G.A. § 15-10-1 et seq. [↑](#footnote-ref-17)
18. Cross reference(s)—Administration, ch. 2; sale of alcohol on election days permitted, § 10-53.

    State law reference(s)—Elections, title 21. [↑](#footnote-ref-18)
19. Cross reference(s)—Businesses, ch. 22; civil emergencies, ch. 26; fire prevention and protection, ch. 46.

    State law reference(s)—Emergency medical services, O.C.G.A. § 31-11-1 et seq. [↑](#footnote-ref-19)
20. Cross reference(s)—Animals, ch. 18; health and sanitation, ch. 50; parks and recreation, ch. 70; solid waste and weeds, ch. 78; construction and demolition sites to be maintained, § 78-11; utilities, ch. 98; general provisions of planning and development, ch. 102; floods, ch. 106; house relocation; oversized loads, ch. 110; manufactured and industrialized homes, ch. 114; soil erosion and sedimentation control, ch. 118; subdivisions, ch. 122; vegetation, ch. 126; zoning, ch. 130.

    State law reference(s)—Cleaning agents containing phosphorus, O.C.G.A. § 12-5-27.1; nuisances, O.C.G.A. title 41. [↑](#footnote-ref-20)
21. Editor's note(s)—Ord. No. 2006-13, § 1, adopted May 23, 2006, amended Art. II in its entirety, in effect deleting and reenacting said article to read as herein set out. The former Art. II pertained to similar subject matter and derived from Code 1978, §§ 9-2001—9-2006.

    Cross reference(s)—Traffic and vehicles, ch. 94.

    State law reference(s)—Removal of junked motor vehicles, adoption of ordinances, authority to contract for removal, O.C.G.A. § 36-60-4; nuisances, O.C.G.A. title 41. [↑](#footnote-ref-21)
22. Cross reference(s)—Animals creating nuisances, § 18-1.

    State law reference(s)—Nuisances, O.C.G.A. title 41. [↑](#footnote-ref-22)
23. Editor's note(s)—Ord. No. 2018-14, § 1, adopted November 13, 2018, amended div. 2 in its entirety to read as herein set out. Former div. 2, §§ 42-101—42-107, pertained to unfit buildings or structures; health hazards on private property, and derived from Code 1978, §§ 9-5019—9—5025.

    Cross reference(s)—General provisions of planning and development, ch. 102. [↑](#footnote-ref-23)
24. Editor's note(s)—Ord. No. 2004-25,§ 1, adopted Oct. 1, 2004, supplied provisions for Ch. 43, Art. IV, §§ 43-1—43-18. In order to maintain the style and consistency of the Code, at the discretion of the editor, these provisions have been redesignated as Ch. 42, Art. IV, §§ 42-121—42-138. The original section designation has been retained in the history note at the end of each section for reference. [↑](#footnote-ref-24)
25. Cross reference(s)—Fire department, § 2-93; civil emergencies, ch. 26; emergency services, ch. 38; littering, dumping, burning offenses, § 78-41 et seq.; spacing of fire hydrants, § 98-1.

    **State constitution references—** Fire protection services, Ga. Const. art. IX, § II, III(a)(1).

    State law reference(s)—Fire escapes, O.C.G.A. § 8-2-50 et seq.; forest fires, O.C.G.A. § 12-6-89; criminal damage to property in the second degree, O.C.G.A. § 16-7-23; burning of woodlands, brush, fields, etc., destruction of or damage to material or device used in detection or suppression of wildfires, O.C.G.A. § 16-7-63; arson in the first degree, O.C.G.A. § 16-7-60; arson in the second degree, O.C.G.A. § 16-7-61; arson in the third degree, O.C.G.A. § 16-7-62; obstruction or hindering firefighters, O.C.G.A. § 16-10-24.1; transmitting false report of fire, O.C.G.A. § 16-10-27; refusal to obey official request at fire or other emergency, O.C.G.A. § 16-10-30; fire protection and safety, O.C.G.A. title 25; firefighters' pensions, O.C.G.A. § 47-7-1 et seq.; liability of firefighters for activities, O.C.G.A. § 51-1-30. [↑](#footnote-ref-25)
26. Cross reference(s)—Animals, ch. 18; environment, ch. 42; environmental health fees of the board of health, § 42-78; natural resources, ch. 62; solid waste and weeds, ch. 78; utilities, ch. 98; general provisions of planning and development, ch. 102; floods, ch. 106; house relocation; oversized loads, ch. 110; manufactured and industrialized homes, ch. 114.

    **State constitution reference—**Public health facilities and services, Ga. Const. art. IX, § II, ¶ III(a)(3); intergovernmental contracts for the care, maintenance and hospitalization of the indigent sick and for other services, Ga. Const. art. IX, § III, ¶ I.

    State law reference(s)—County boards of health, O.C.G.A. § 31-3-1 et seq. [↑](#footnote-ref-26)
27. Cross reference(s)—Administration, ch. 2.

    State law reference(s)—Fair housing, O.C.G.A. § 8-3-200 et seq. [↑](#footnote-ref-27)
28. Editor's note(s)—Ord. No. O-2025-02, § 3, adopted Feb. 25, 2025, amended the title of Ch. 58 to read as herein set out. The former Ch. 58 title pertained to Department of Talent Management.

    Editor's note(s)—The county board of commissioners may, in its discretion, elect or appoint county police, O.C.G.A. § 36-8-1. The salaries and expenses thereof are paid out of the county treasury. The county may levy a tax for this purpose, O.C.G.A. § 36-8-4.

    Cross reference(s)—Department of human resources, § 2-101.

    State law reference(s)—Retirement benefits, etc., under Georgia Firefighters' pension fund, O.C.G.A. § 47-7-100 et seq.; retirement benefits, etc., under peace officers' annuity and benefit fund, O.C.G.A. § 47-17-80 et seq. [↑](#footnote-ref-28)
29. Cross reference(s)—Health and sanitation, ch. 50; parks and recreation, ch. 70; solid waste and weeds, ch. 78; streets, sidewalks and other public places, ch. 82; floods, ch. 106; subdivisions, ch. 122; vegetation, ch. 126; zoning, ch. 130.

    State law reference(s)—Water resources, O.C.G.A. § 12-5-1 et seq. [↑](#footnote-ref-29)
30. Editor's note(s)—Ga. Const. art. III, § VI, ¶ IV, provides: "Laws of a general nature shall have uniform operation throughout this state and no local or special law shall be enacted in any case for which provision has been made by an existing general law, except that the General Assembly may by general law authorize local governments by local ordinance or resolution to exercise police powers which do not conflict with general laws." The following are some of the state statutes which include common offenses: Public indecency, O.C.G.A. § 16-6-8; criminal trespass and damage to property; O.C.G.A. § 16-7-20 et seq.; interference with government property, O.C.G.A. § 16-7-24; littering public and private property, O.C.G.A. § 16-7-40 et seq.; obstructing or hindering law enforcement officers, O.C.G.A. § 16-10-24; transmitting false report of fire, O.C.G.A. § 16-10-27; use of "fighting words," obscene and vulgar or profane language, harassing phone calls, O.C.G.A. § 16-11-39 et seq.; obstructing highways, streets, sidewalks or other public passages, O.C.G.A. § 16-11-43; gambling and related offenses, O.C.G.A. § 16-12-20 et seq.; obscenity and related offenses, O.C.G.A. § 16-12-80 et seq.; fireworks, O.C.G.A. § 25-10-1 et seq.

    Cross reference(s)—Courts, ch. 30; traffic and vehicles, ch. 94. [↑](#footnote-ref-30)
31. Editor's note(s)—Ord. No. O-2024-13, § 18, adopted Sept. 10, 2024, amended the title of Ch. 70 to read as herein set out. The former Ch. 70 title pertained to Recreation and Maintenance.

    Cross reference(s)—Department of general services, § 2-94; environment, ch. 42; natural resources, ch. 62; streets, sidewalks and other public places, ch. 82; vegetation, ch. 126.

    **State constitution reference—**County parks and recreational areas, programs and facilities, Ga. Const. art. IX, § II, ¶ III(a)(5).

    State law reference(s)—County recreation systems, O.C.G.A. § 36-64-1 et seq. [↑](#footnote-ref-31)
32. Cross reference(s)—Businesses, ch. 22; streets, sidewalks and other public places, ch. 82.

    State law reference(s)—Charitable solicitations, O.C.G.A. § 43-17-1 et seq. [↑](#footnote-ref-32)
33. Cross reference(s)—Environment, ch. 42; health and sanitation, ch. 50; natural resources, ch. 62; manufactured and industrialized homes, ch. 114; vegetation, ch. 126.

    **State constitution reference—**Power of county to provide garbage and solid waste collection and disposal, Ga. Const. art. IX, § II, ¶ III(a)(2).

    State law reference(s)—Waste management, O.C.G.A. § 12-8-1 et seq.; state grants for solid waste handling systems, O.C.G.A. § 12-8-37.1; cost reimbursement fees, surcharges, O.C.G.A. § 12-8-39; transporting refuse across county boundary for dumping without permission, O.C.G.A. § 36-1-16; litter control, O.C.G.A. §§ 16-7-40 et seq., 36-1-20. [↑](#footnote-ref-33)
34. Cross reference(s)—Fire prevention and protection, ch. 46. [↑](#footnote-ref-34)
35. Cross reference(s)—Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the county saved from repeal, § 1-13(4); drunkenness in public places, § 10-1; natural resources, ch. 62; parks and recreation, ch. 70; peddlers and solicitors, ch. 74; objects in streets and sidewalks prohibited, § 78-4; telecommunications, ch. 90; traffic and vehicles, ch. 94; utilities, ch. 98; floods, ch. 106; house relocating; oversized loads, ch. 110; manufactured and industrialized homes, ch. 114; subdivisions, ch. 122; vegetation, ch. 126; zoning, ch. 130.

    **State constitution references—**Powers of county as to streets, roads and stormwater systems, Ga. Const. art. IX, § II, ¶ III(a)(4), (6).

    State law reference(s)—State, county and municipal road systems, O.C.G.A. § 32-4-1 et seq.; removal and relocation of utility facilities necessitated by construction of public roads, O.C.G.A. § 32-6-170 et seq. [↑](#footnote-ref-35)
36. Cross reference(s)—Any ordinance or resolution of the county promising or guaranteeing the payment of money by or to the county, or authorizing the issuance of any bonds of the county, or any evidence of the county's indebtedness, or any contract or obligation assumed by the county saved from repeal, § 1-13(2); any ordinance or resolution levying or imposing charges, fees or taxes now due or accrued saved from repeal, § 1-13(5); administration, ch. 2; board of tax assessors, number and term, § 2-137; finance, § 2-171 et seq.; excise tax on alcoholic beverages, § 10-171 et seq.; businesses, ch. 22.

    State law reference(s)—Issuance of notes, etc., in anticipation of taxes, O.C.G.A. § 36-80-2; revenue and taxation, O.C.G.A. title 48; county taxation, O.C.G.A. § 48-5-220 et seq.; excise tax on rooms, lodgings and accommodations, O.C.G.A. § 48-13-50 et seq. [↑](#footnote-ref-36)
37. Cross reference(s)—Businesses, ch. 22.

    **Related laws reference—**Authority to regulate businesses, part I, § 2-71 et seq. [↑](#footnote-ref-37)
38. Cross reference(s)—Businesses, ch. 22. [↑](#footnote-ref-38)
39. Cross reference(s)—Businesses, ch. 22; streets, sidewalks and other public places, ch. 82; utilities, ch. 98; zoning, ch. 130; telecommunications facilities, § 130-20.

    State law reference(s)—Regulation of cable television systems, O.C.G.A. § 36-18-1 et seq. [↑](#footnote-ref-39)
40. Cross reference(s)—Courts, ch. 30; junk vehicles, § 42-31 et seq.; parking of motor vehicles in shopping center parking lots, § 42-76; offenses and miscellaneous provisions, ch. 66; streets, sidewalks and other public places, ch. 82; traffic and parking requirements, § 130-17.

    State law reference(s)—County traffic regulations, O.C.G.A. § 36-1-20; removal of junked motor vehicles, O.C.G.A. § 36-60-4; motor vehicles and traffic, O.C.G.A. title 40; Uniform Rules of the Road, O.C.G.A. § 40-6-1 et seq.; speed restrictions, O.C.G.A. § 40-6-180 et seq.; general powers of local authorities as to traffic, O.C.G.A. § 40-6-370 et seq.; local speed limits generally, O.C.G.A. § 40-6-371(a)(10); abandoned motor vehicles, O.C.G.A. § 40-11-1 et seq. [↑](#footnote-ref-40)
41. Editor's note(s)—Ord. No. 2007-07, § 1, adopted Mar. 27, 2007, repealed Ch. 98 in its entirety and enacted a new Ch. 98 to read as set out herein. Former Ch. 98 pertained to similar subject matter. For a complete history of former Ch. 98 see the Code Comparative Table.

    Cross reference(s)—Administration, ch. 2; businesses, ch. 22; environment, ch. 42; health and sanitation, ch. 50; streets, sidewalks and other public places, ch. 82; telecommunications, ch. 90; floods, ch. 106.

    State law reference(s)—Water resources, O.C.G.A. § 12-5-1 et seq.; waste management, O.C.G.A. § 12-8-1 et seq.; regulations of county board of health governing septic tanks, O.C.G.A. § 31-3-5.1; codes relating to construction, livability, sanitation, equipment, occupancy, etc. of buildings, O.C.G.A. § 36-13-1 et seq.; contracts to provide industrial wastewater treatment services, O.C.G.A. § 36-60-2. [↑](#footnote-ref-41)